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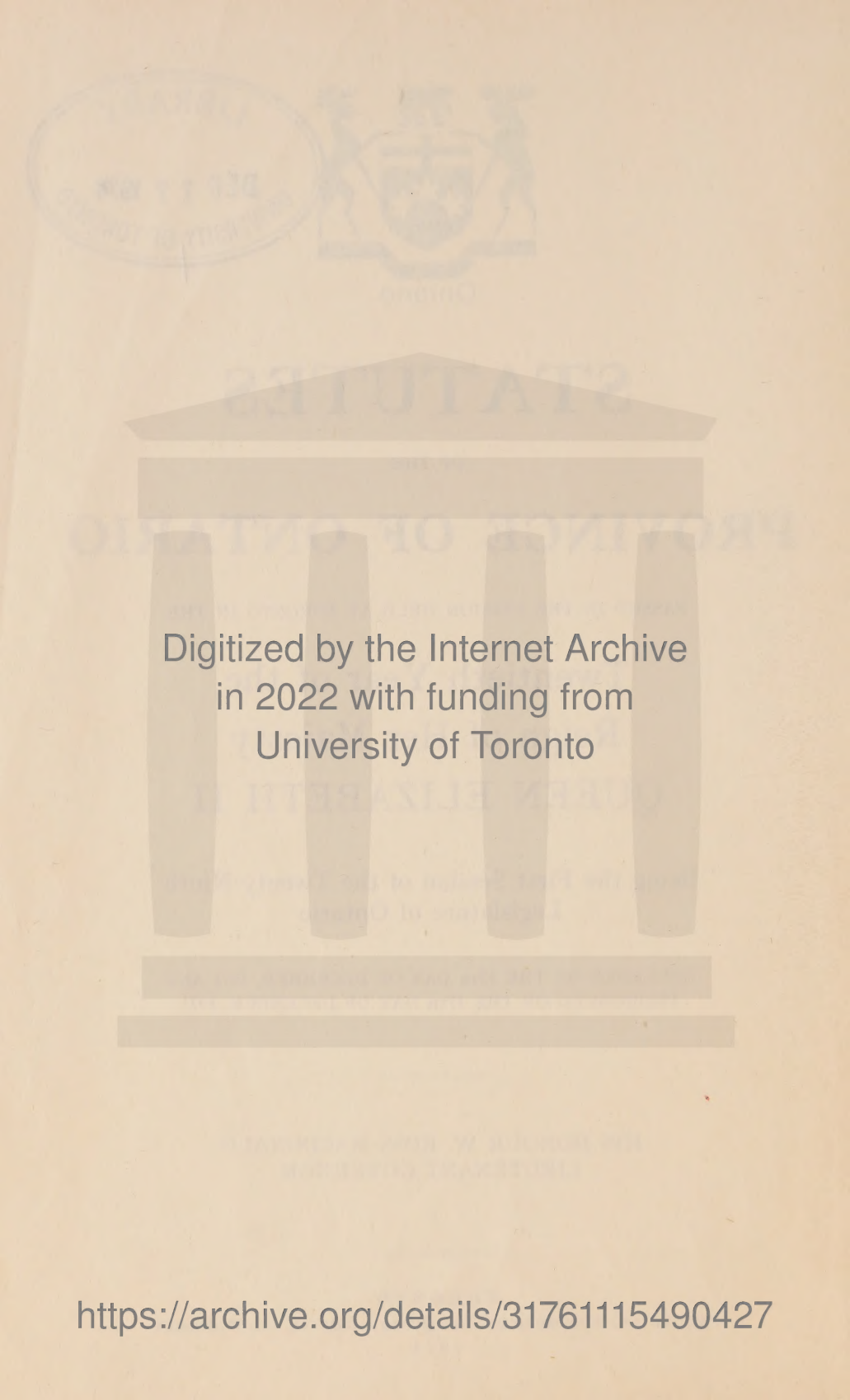
Twentieth Year of the
Reign of Her Majesty
QUEEN ELIZABETH II

Being the First Session of the Twenty-Ninth
Legislature of Ontario

CONVENED ON THE 13TH DAY OF DECEMBER, 1971 AND
PROROGUED ON THE 17TH DAY OF DECEMBER, 1971

HIS HONOUR W. ROSS MACDONALD
LIEUTENANT GOVERNOR

TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER
1971



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20 ELIZABETH II

CHAPTER 1

An Act to amend The Income Tax Act

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 15 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by striking out “subsection 1 of section 63” in the second and third lines and inserting in lieu thereof “section 104”. ^{s. 1 (1) par. 15, amended}

(2) Paragraph 17 of subsection 1 of the said section ^{s. 1 (1) par. 17, repealed} is repealed.

(3) Subparagraph ii of paragraph 27 of subsection 1 of the said section 1 is amended by striking out “subsection 13 of section 63” in the third line and inserting in lieu thereof “subsection 23 of section 104”. ^{s. 1 (1), par. 27 (ii), amended}

2. Section 2 of the said Act is repealed and the following ^{s. 2, re-enacted} substituted therefor:

2. An income tax shall be paid as hereinafter required ^{Income tax on individuals} for each taxation year by every individual,
 - (a) who was resident in Ontario on the last day of the taxation year; or
 - (b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

s. 3 (3) (f),
re-enacted

3.—(1) Clause *f* of subsection 3 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 22, section 1, is repealed and the following substituted therefor:

(*f*) 28 per cent in respect of the 1967, 1968, 1969 and 1970 taxation years;

(*g*) 27.5 per cent in respect of the 1971 taxation year; and

(*h*) 30.5 per cent in respect of the 1972 taxation year.

s. 3 (4) (a),
re-enacted

(2) Clause *a* of subsection 4 of the said section 3 is repealed and the following substituted therefor:

(*a*) “tax payable under the Federal Act” means the amount of tax payable under Part I of the Federal Act for the taxation year in respect of which that expression is being applied computed as if the taxpayer were not entitled to any deduction under section 126 or 127 of that Act.

s. 3 (4) (b),
amended

(3) Clause *b* of subsection 4 of the said section 3 is amended by striking out “subsection 3 of section 33” in the fourth line and inserting in lieu thereof “subsection 4 of section 120”.

s. 3 (4) (d),
re-enacted

(4) Clause *d* of subsection 4 of the said section 3 is repealed and the following substituted therefor:

(*d*) “income for the year” means,

(i) in the case of an individual resident in Canada during part only of the taxation year in respect of whom section 114 of the Federal Act applies, the aggregate of,

(A) his income for the period or periods in the year referred to in clause *a* of section 114 of the Federal Act as determined in accordance with and for the purposes of the Federal Act, and

(B) his income for the portion of that year that is not included in the period or periods referred to in sub-subclause A, computed under clauses *a*, *b* and *c* of subsection 1 of section 115 of the Federal Act as though such portion of the year were the whole taxation year,

(ii) in the case of an individual not resident in Canada at any time in the taxation year, his

income for the year as computed under clauses *a*, *b* and *c* of subsection 1 of section 115 of the Federal Act, and

- (iii) in the case of any other individual, his income for the year as determined in accordance with and for the purposes of the Federal Act.

(5) Clause *e* of subsection 4 of the said section 3 is repealed. <sup>s. 3 (4) (e),
repealed</sup>

(6) Subsection 5 of the said section 3 is amended by <sup>s. 3 (5),
amended</sup> striking out "subsection 2 of section 32" in the second line and inserting in lieu thereof "subsection 6 of section 117".

(7) Subsection 6 of the said section 3 is repealed and the <sup>s. 3 (6),
re-enacted</sup> following substituted therefor:

(6) Where an individual resided in Ontario on the last day <sup>Foreign Tax
Credit</sup> of a taxation year and had income for the year that included income earned in a country other than Canada in respect of which any non-business-income tax was paid by him to the government of a country other than Canada, he may deduct from the tax payable by him under this Act for that taxation year an amount equal to the lesser of,

- (a) the amount, if any, by which any non-business-income tax paid by him for the year to the government of such other country exceeds the amount claimed under the Federal Act as a deduction for that taxation year by virtue of subsection 1 of section 126 of that Act; or

- (b) that proportion of the tax otherwise payable under this Act for that taxation year that,

- (i) the aggregate of the taxpayer's income from sources in that country,

- (A) for that year, if section 114 of the Federal Act is not applicable,
or

- (B) if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph *a* thereof,

- on the assumption that no businesses were carried on by him,

- is of,

- (ii) the taxpayer's income,

- (A) for the year, if section 114 of the Federal Act is not applicable,
or

(B) if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph *a* thereof,

minus any amounts deductible under clause *b* of subsection 1 of section 111 or section 112 or 113 of the Federal Act for the year or such period or periods, as the case may be.

s. 3,
amended

(8) The said section 3 is amended by adding thereto the following subsection:

Non-business-
income tax
defined

(7) For the purposes of subsection 6, the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under clause *c* of subsection 7 of section 126 of the Federal Act for the purposes of that Act.

s. 4,
repealed

4. Section 4 of the said Act is repealed.

s. 5 (1),
amended

5.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “subsection 1 of section 42” in the fourth line and inserting in lieu thereof “subsection 1 of section 119”.

s. 5, (1), (a),
amended

(2) Clause *a* of subsection 1 of the said section 5 is amended by striking out “section 42” in the fourth line and in the ninth line and inserting in lieu thereof in each instance “section 119”.

s. 5 (1) (c),
amended

(3) Clause *c* of subsection 1 of the said section 5 is amended by striking out “section 42” in the sixth line and inserting in lieu thereof “section 119”.

s. 5 (2) (a) (ii),
amended

(4) Subclause ii of clause *a* of subsection 2 of the said section 5 is amended by striking out “section 33” in the fourth line and inserting in lieu thereof “section 120”.

s. 5 (3),
amended

(5) Subsection 3 of the said section 5 is amended by striking out “section 42” in the seventh line and inserting in lieu thereof “section 119”.

s. 5 (6),
amended

(6) Subsection 6 of the said section 5 is amended by striking out “section 42” in the second line and in the third line and inserting in lieu thereof in each instance “section 119”.

6. Section 6 of the said Act is amended by striking out ^{s. 6,} "section 62" in the third line and inserting in lieu thereof ^{amended} "section 149".

7. The said Act is amended by adding thereto the following ^{s. 6a,} section: ^{enacted}

6a. There may be deducted from the tax otherwise ^{Deduction} payable for the 1972 taxation year by an individual, an amount equal to 3 per cent of the tax payable under clause *h* of subsection 3 of section 3.

8. Subsection 4 of section 7 of the said Act is repealed and ^{s. 7 (4),} the following substituted therefor: ^{re-enacted}

(4) Where a partner or an individual who is a pro- ^{Death of} prietor of a business died after the close of a fiscal ^{partner,} period but before the end of the calendar year in ^{proprietor} which the fiscal period closed, a separate return of the taxpayer's income as a member of the partnership or as a proprietor of the business, after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax under this Part shall be paid on the taxpayer's income as such member or proprietor after the close of the fiscal period to the time of death as if that income were the income of another person.

9.—(1) Subsection 4 of section 9 of the said Act is repealed ^{s. 9 (4),} and the following substituted therefor: ^{re-enacted}

(4) The Provincial Minister may at any time assess ^{Idem} tax, interest or penalties under this Act or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for a taxation year and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an

original assessment or of a notification that no tax is payable for a taxation year; and

- (b) within four years from the day referred to in subclause ii of clause *a* in any other case,

reassess or make additional assessments or assess tax, interest or penalties as the circumstances require.

Idem

- (4a) Notwithstanding subsection 4, there shall not be included in computing the income of a taxpayer for the purpose of any reassessment, additional assessment or assessment of tax, interest or penalties that is made after the expiration of four years from the day referred to in subclause ii of clause *a* of subsection 4, any amount,

(a) that was not included in computing his income for the purposes of an assessment of tax made prior to the expiration of four years from that day; and

(b) in respect of which the taxpayer establishes that the failure to so include it did not result from any misrepresentation that is attributable to neglect, carelessness or wilful default or from any fraud in filing a return of his income or in supplying any information under this Act.

s. 9 (6),
re-enacted

- (2) Subsection 6 of the said section 9 is repealed and the following substituted therefor:

Idem

- (6) Where a taxpayer has filed the return required by section 7 for a taxation year and, within one year from the day on or before which he was required by section 7 to file the return for that year, has filed an amended return for the year claiming a deduction from income under section 111 of the Federal Act in respect of non-capital losses, net capital losses or restricted farm losses sustained in the taxation year immediately following that year, the Provincial Minister shall reassess the taxpayer's tax for the year.

s. 10 (1) (h),
amended

- 10.** Clause *h* of subsection 1 of section 10 of the said Act is amended by striking out "section 79C" in the second line and inserting in lieu thereof "section 147".

s. 11 (2),
amended

- 11.** Subsection 2 of section 11 of the said Act is amended by striking out "section 48" in the fourth line and inserting in lieu thereof "section 155".

12. Subsection 2 of section 12 of the said Act is amended <sup>s. 12 (2),
amended</sup> by striking out "section 49" in the fourth line and inserting in lieu thereof "section 156".

13. Section 14 of the said Act is repealed and the following <sup>s. 14,
re-enacted</sup> substituted therefor:

14. Sections 159 and 160, subsection 2 of section 104, <sup>Application
of certain
provisions</sup> paragraph *e* of subsection 23 of section 104 and subsection 2 of section 70 of the Federal Act apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom such provisions apply in respect of tax payable under the Federal Act for the same taxation year.

14.—(1) Subsections 1 and 2 of section 15 of the said Act <sup>s. 15 (1, 2),
re-enacted</sup> are repealed and the following substituted therefor:

(1) Where the amount paid on account of tax payable ^{General} by a taxpayer under this Act for a taxation year before the expiration of the time allowed for filing the return for that year is less than the amount of tax payable for the year under this Act, the person liable to pay the tax shall pay interest at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act on the difference between those two amounts from the expiration of the time for filing the return to the day of payment.

(2) In addition to the interest payable under subsection 1, <sup>Interest
on
instalments</sup> where a taxpayer, being required by this Act to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he is liable to pay interest thereon under subsection 1, whichever is earlier.

(2) Subsection 4 of the said section 15 is amended by <sup>s. 15 (4),
amended</sup> striking out "section 54" in the sixth line and inserting in lieu thereof "section 161".

(3) Subsection 7 of the said section 15 is amended by <sup>s. 15 (7),
amended</sup> striking out "section 27" in the first line and in the eleventh line and inserting in lieu thereof in each instance "section 111".

s. 16 (4),
amended

15. Subsection 4 of section 16 of the said Act is amended by striking out "section 55" in the fourth line and inserting in lieu thereof "section 162".

s. 17,
amended

16. Section 17 of the said Act is amended by adding thereto the following subsections:

Penalty
for failure
to file
returns

(2) Every person who wilfully attempts to evade payment of the tax payable by him by wilfully failing to file a return of income as and when required by subsection 1 of section 7 is liable to a penalty of 50 per cent of the amount of tax sought to be evaded.

Onus on
Provincial
Minister

(3) Where in any appeal under this Act a penalty assessed by the Provincial Minister under this section is in issue, the onus of establishing the facts justifying the assessment of the penalty rests upon the Provincial Minister.

s. 18 (3),
amended

17.—(1) Subsection 3 of section 18 of the said Act is amended by striking out "Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of," in the first, second, third and fourth lines and inserting in lieu thereof: "Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the rate per annum prescribed for the purposes of subsection 3 of section 164 of the Federal Act shall be paid or applied thereon for the period commencing with the latest of".

s. 18 (4),
re-enacted

(2) Subsection 4 of the said section 18 is repealed and the following substituted therefor:

Idem,
after court
judgment

(4) Where, by a decision of the Provincial Minister under section 19 or by a decision of the Supreme Court of Ontario or the Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Act is less than the amount assessed by the assessment under section 9 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act instead of that prescribed for the purposes of subsection 3 of section 164 of the Federal Act.

(3) Subsection 5 of the said section 18 is amended by ^{s. 18 (5), amended} striking out “subsection 3a of section 57” in the second line and inserting in lieu thereof “subsection 4 of section 164”.

(4) Subsection 7 of the said section 18 is amended by ^{s. 18 (7), amended} striking out “section 27” in the first line and in the eleventh line and inserting in lieu thereof in each instance “section 111”.

(5) The said section 18 is amended by adding thereto the ^{s. 18, amended} following subsection:

- (8) Where in the course of administering the estate of a ^{Where disposition by legal representative of deceased taxpayer} deceased taxpayer, the taxpayer's legal representative has, within the 12-month period immediately following the death of the taxpayer, disposed of certain property of the estate described in clause *a* or *b* of subsection 6 of section 164 of the Federal Act, subsection 6 of section 164 of the Federal Act is applicable *mutatis mutandis*.

18.—(1) Subsection 3 of section 19 of the said Act is ^{s. 19 (3), re-enacted} repealed and the following substituted therefor:

- (3) Upon receipt of a notice of objection, the Provincial ^{Reconsideration} Minister shall,

- (a) where the taxpayer indicates in the notice of objection that he wishes to appeal immediately to the court and that he waives reconsideration of the assessment and the Provincial Minister consents, file a copy of the notice of objection with the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the taxpayer resides; or
- (b) with all due despatch, reconsider the assessment and vacate, confirm or vary the assessment or reassess,

and he shall thereupon notify the taxpayer of his action by registered mail.

- (3a) Where the Provincial Minister files a copy of a notice ^{Deemed confirmation and appeal} of objection pursuant to clause *a* of subsection 3, the Provincial Minister shall be deemed, for the purpose of this section, to have confirmed the assessment to which the notice relates and the taxpayer who served the notice shall be deemed to have thereupon instituted an appeal in accordance with this section.

s. 19,
amended

(2) The said section 19 is amended by adding thereto the following subsection:

No notice
of objection
required in
respect of
reassessment
or additional
assessment

(6) Where a taxpayer has served a notice of objection to an assessment in accordance with this section and thereafter the Provincial Minister reassesses the taxpayer's tax for the taxation year in respect of which the notice of objection was served or issues an additional assessment in respect thereof, and notifies the taxpayer of his action by registered mail, the taxpayer may, without serving a notice of objection to the reassessment or the additional assessment,

(a) appeal therefrom to the court in accordance with section 20; or

(b) if an appeal to the court has been instituted with respect to the assessment, amend such appeal by joining thereto an appeal in respect of the reassessment or additional assessment in such manner and on such terms, if any, as the court directs.

s. 26 (4) (b),
amended

19. Clause *b* of subsection 4 of section 26 of the said Act is amended by striking out "section 116" in the third line and inserting in lieu thereof "section 220".

s. 27 (2),
amended

20. Subsection 2 of section 27 of the said Act is amended by striking out "section 117" in the fourth line and inserting in lieu thereof "section 221".

s. 34 (6),
amended

21.—(1) Subsection 6 of section 34 of the said Act is amended by striking out "of 10 per cent per annum" in the tenth and eleventh lines and inserting in lieu thereof "per annum prescribed for the purposes of subsection 8 of section 227 of the Federal Act".

s. 34 (7),
re-enacted

(2) Subsection 7 of the said section 34 is repealed and the following substituted therefor:

Penalty
for failure
to remit

(7) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate per annum prescribed for purposes of subsection 8 of section 227 of the Federal Act, but, where a collection agreement is entered into, the Minister may refrain from levying or reduce the penalty if the person who is

liable therefor is liable to pay a penalty under subsection 9 of section 227 of the Federal Act by reason of the failure to pay an amount described in clause *a* of that subsection.

(3) Subsection 8 of the said section 34 is amended by ^{s. 34 (8),}amended striking out "Division D" in the fifth line and inserting in lieu thereof "Divisions I and J".

22. Clause *d* of subsection 1 of section 36 of the said Act ^{s. 36 (1) (d),}re-enacted is repealed and the following substituted therefor:

(*d*) if, during the course of an audit or examination, it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the documents, books, records, papers or things that may be required as evidence as to the violation of any provision of this Act or a regulation.

23.—(1) Subsection 1 of section 37 of the said Act is ^{s. 37 (1),}amended amended by striking out "Section 126A" in the first line and inserting in lieu thereof "Section 232".

(2) Subsection 2 of the said section 37 is amended by ^{s. 37 (2),}amended striking out "section 126A" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "section 232".

24. Section 38 of the said Act is amended by striking out ^{s. 38,}amended "section 117" in the third line and inserting in lieu thereof "section 221".

25. Subsection 1 of section 39 of the said Act is amended ^{s. 39 (1),}amended by striking out "section 117" in the second line and inserting in lieu thereof "section 221".

26. Clause *f* of section 42 of the said Act is repealed and the ^{s. 42 (f),}re-enacted following substituted therefor:

(*f*) a fine of not less than 25 per cent and not more than double the amount of the tax that was sought to be evaded; or

.

27. Section 43 of the said Act is amended by striking ^{s. 43,}amended out "section 131 or 132" in the second line and inserting in lieu thereof "section 238 or 239".

Commence-
ment

28.—(1) This Act, except sections 1. and 2, subsections 2 to 8 of section 3, sections 4, 5 and 6 and sections 8 to 27, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2, subsections 2 to 8 of section 3, sections 4, 5 and 6 and sections 8 to 27 come into force on a day to be named by the Lieutenant Governor by his proclamation and apply with respect to the 1972 and subsequent taxation years.

Short title

29. This Act may be cited as *The Income Tax Amendment Act, 1971 (No. 2)*.

CHAPTER 2

**An Act to amend
The Corporations Tax Act**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Corporations Tax Act*, being chapter 91 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(e) an amount paid to a corporation on account of an employment support grant under the *Employment Support Act* (Canada).

2. This Act comes into force on the day it receives Royal Assent and applies with respect to the 1971 and subsequent fiscal years.

3. This Act may be cited as *The Corporations Tax Amendment Act, 1971* (No. 3).

CHAPTER 3

**An Act to amend
The Succession Duty Act**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 5 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “if the disposition was made on or before the 31st day of December, 1971”, so that the clause shall read as follows:

- (g) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise, if the disposition was made on or before the 31st day of December, 1971.

(2) Subsection 1 of the said section 5, as amended by the Statutes of Ontario, 1971, chapter 15, section 1, is further amended by adding thereto the following clause:

- (ga) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than fifteen years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise, if the disposition was made on or after the 1st day of January, 1972.

s. 7 (1).
re-enacted

2.—(1) Subsection 1 of section 7 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed and the following substituted therefor:

Rates of
duty,
preferred

- (1) The duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of the father, mother, spouse or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, and the duty levied on the father, mother, spouse or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, shall be at the following rates:

Where the aggregate value,

- (a) exceeds \$100,000 and does not exceed \$150,000
—10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (b) exceeds \$150,000 and does not exceed \$200,000
—11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$150,000;
- (c) exceeds \$200,000 and does not exceed \$300,000
—12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (d) exceeds \$300,000 and does not exceed \$400,000
—13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (e) exceeds \$400,000 and does not exceed \$500,000
—14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (f) exceeds \$500,000 and does not exceed \$600,000
—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (g) exceeds \$600,000 and does not exceed \$700,000
—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;

- (h) exceeds \$700,000 and does not exceed \$800,000—17 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$700,000;
- (i) exceeds \$800,000 and does not exceed \$900,000—18 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (j) exceeds \$900,000 and does not exceed \$1,000,000—19 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$900,000;
- (k) exceeds \$1,000,000 and does not exceed \$5,000,000—20 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$10,000 by which the aggregate value exceeds \$1,000,000;
- (l) exceeds \$5,000,000—28 per cent,

and the duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of any one of such persons and the duty levied on such person, shall be at the following additional rates:

Where the amount of the value of all the property which so passes and of the value of all transmissions to and dispositions made to such person, after making allowance for the debts, encumbrances and other allowances authorized by and in accordance with subsection 6 of section 3,

- (aa) exceeds \$100,000 and does not exceed \$150,000—5 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$100,000;
- (bb) exceeds \$150,000 and does not exceed \$300,000—6 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$3,000 by which the amount exceeds \$150,000;
- (cc) exceeds \$300,000 and does not exceed \$400,000—7 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$300,000;

- (*dd*) exceeds \$400,000 and does not exceed \$500,000—9 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$400,000;
- (*ee*) exceeds \$500,000 and does not exceed \$600,000—10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$500,000;
- (*ff*) exceeds \$600,000 and does not exceed \$700,000—11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$600,000;
- (*gg*) exceeds \$700,000 and does not exceed \$750,000—12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$700,000;
- (*hh*) exceeds \$750,000 and does not exceed \$800,000—13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$750,000;
- (*ii*) exceeds \$800,000 and does not exceed \$900,000—14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$800,000;
- (*jj*) exceeds \$900,000 and does not exceed \$1,000,000—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$900,000;
- (*kk*) exceeds \$1,000,000 and does not exceed \$1,200,000—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,000,000;
- (*ll*) exceeds \$1,200,000 and does not exceed \$1,400,000—17 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,200,000;
- (*mm*) exceeds \$1,400,000 and does not exceed \$1,600,000—18 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,400,000;

- (*nn*) exceeds \$1,600,000 and does not exceed \$1,800,000—19 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,600,000;
- (*oo*) exceeds \$1,800,000 and does not exceed \$2,000,000—20 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,800,000;
- (*pp*) exceeds \$2,000,000 and does not exceed \$2,200,000—21 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$2,000,000;
- (*qq*) exceeds \$2,200,000 and does not exceed \$2,400,000—22 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,200,000;
- (*rr*) exceeds \$2,400,000 and does not exceed \$2,600,000—24 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,400,000;
- (*ss*) exceeds \$2,600,000 and does not exceed \$2,800,000—26 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,600,000;
- (*tt*) exceeds \$2,800,000 and does not exceed \$3,000,000—28 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,800,000; and
- (*uu*) exceeds \$3,000,000—30 per cent.

(2) Clauses *a* to *i* of subsection 5 of the said section 7 are repealed and the following substituted therefor:

s. 7 (5) (*a-f*),
re-enacted,
(*g-i*),
repealed

- (*a*) exceeds \$100,000 and does not exceed \$200,000—24 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (*b*) exceeds \$200,000 and does not exceed \$400,000—26 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (*c*) exceeds \$400,000 and does not exceed \$600,000—28 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;

- (d) exceeds \$600,000 and does not exceed \$800,000—
30 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the aggregate value exceeds \$600,000;
- (e) exceeds \$800,000 and does not exceed \$1,000,000—
32 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the aggregate value exceeds \$800,000;
- (f) exceeds \$1,000,000—34 per cent.

s. 7 (5) (aa-pp),
re-enacted,
(qq),
repealed

(3) Clauses *aa* to *qq* of subsection 5 of the said section 7 are repealed and the following substituted therefor:

- (aa) exceeds \$100,000 and does not exceed \$160,000—
6.4 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$100,000;
- (bb) exceeds \$160,000 and does not exceed \$200,000—
7 per cent plus $5/50$ of 1 per cent for each full \$4,000
by which the amount exceeds \$160,000;
- (cc) exceeds \$200,000 and does not exceed \$300,000—
8 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$200,000;
- (dd) exceeds \$300,000 and does not exceed \$350,000—
9 per cent plus $1/50$ of 1 per cent for each full \$1,000
by which the amount exceeds \$300,000;
- (ee) exceeds \$350,000 and does not exceed \$450,000—
10 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$350,000;
- (ff) exceeds \$450,000 and does not exceed \$500,000—
11 per cent plus $1/50$ of 1 per cent for each full \$1,000
by which the amount exceeds \$450,000;
- (gg) exceeds \$500,000 and does not exceed \$600,000—
12 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$500,000;
- (hh) exceeds \$600,000 and does not exceed \$700,000—
13 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$600,000;
- (ii) exceeds \$700,000 and does not exceed \$800,000—
14 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$700,000;

- (*jj*) exceeds \$800,000 and does not exceed \$900,000—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$800,000;
- (*kk*) exceeds \$900,000 and does not exceed \$1,000,000—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$900,000;
- (*ll*) exceeds \$1,000,000 and does not exceed \$1,500,000—18 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$5,000 by which the amount exceeds \$1,000,000;
- (*mm*) exceeds \$1,500,000 and does not exceed \$2,000,000—20 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$5,000 by which the amount exceeds \$1,500,000;
- (*nn*) exceeds \$2,000,000 and does not exceed \$2,500,000—22 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$5,000 by which the amount exceeds \$2,000,000;
- (*oo*) exceeds \$2,500,000 and does not exceed \$3,000,000—24 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$5,000 by which the amount exceeds \$2,500,000; and
- (*pp*) exceeds \$3,000,000—26 per cent.

(4) Clauses *a* to *j* of subsection 6 of the said section 7 are repealed and the following substituted therefor:

s. 7 (6) (*a-h*),
re-enacted,
(*i, j*),
repealed

- (*a*) exceeds \$100,000 and does not exceed \$200,000—35 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$100,000;
- (*b*) exceeds \$200,000 and does not exceed \$300,000—40 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (*c*) exceeds \$300,000 and does not exceed \$400,000—45 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (*d*) exceeds \$400,000 and does not exceed \$500,000—50 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (*e*) exceeds \$500,000 and does not exceed \$600,000—55 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$500,000;

- (f) exceeds \$600,000 and does not exceed \$700,000—60 per cent plus 5/50 of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (g) exceeds \$700,000 and does not exceed \$800,000—65 per cent plus 5/50 of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$700,000; and
- (h) exceeds \$800,000—70 per cent.

s. 7 (7),
repealed

(5) Subsection 7 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed.

s. 7 (8) (a),
re-enacted

(6) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1, 5 or 6 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and

s. 7 (9, 10),
repealed

(7) Subsections 9 and 10 of the said section 7 are repealed.

s. 7 (11) (b)
(i, ii),
re-enacted

(8) Subclauses i and ii of clause *b* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, are repealed and the following substituted therefor:

- (i) where the deceased is survived by a spouse and no dependent children, \$500,000,
- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$500,000 and \$15,000 for each dependent child, or

s. 7 (11) (f) (i),
re-enacted

(9) Subclause i of clause *f* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed and the following substituted therefor:

- (i) in the case of the spouse of the deceased, \$500,000.

s. 7 (11) (g),
amended

(10) Clause *g* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1971, chapter 15, section 2, is amended by striking out "5" in the ninth line and inserting in lieu thereof "10", so that the clause shall read as follows:

- (g) “individual dependant reduction” means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to the amounts equal to the amount of his individual dependant allowance, provided that, where the dependant’s individual dependant allowance is less than \$100,000, the rate to be applied to his individual dependant allowance shall be 10 per cent.

3. This Act comes into force on the 1st day of January, ^{Commence-}_{ment} 1972.

4. This Act may be cited as *The Succession Duty Amend-* ^{Short title}
ment Act, 1971 (No. 2).

CHAPTER 4

**An Act to Facilitate the
Relief of Unemployment by Municipalities**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act, “municipality” means a city, town, village, township and county, and includes a metropolitan, regional and district municipality.<sup>Interpre-
tation</sup>
- 2. Every municipality may, by agreement with the owner of private property, enter on such property and expend moneys thereon for the purpose of implementing any plan that is approved by the Department of Municipal Affairs for the relief of unemployment in the municipality.<sup>Expenditure of
moneys and
entry on
private
property</sup>
- 3. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
- 4. This Act may be cited as *The Municipal Unemployment Relief Act, 1971*.^{Short title}

CHAPTER 5

**An Act to establish the Ontario Health
Insurance Commission and to provide for the
Advance Organization of the Ontario Health
Insurance Plan**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Chairman" means the Chairman of the Ontario Health Insurance Commission;
- (b) "Commission" means the Ontario Health Insurance Commission;
- (c) "Plan" means the Ontario Health Insurance Plan referred to in section 5;
- (d) "regulations" means the regulations made under this Act.

2.—(1) The Ontario Health Insurance Commission is established and shall be composed of not fewer than five and not more than nine persons.

Ontario
Health
Insurance
Commission
established

(2) The members of the Commission shall be appointed by the Lieutenant Governor in Council and one of them shall be designated as Chairman and one of them may be designated as vice-chairman.

Appointment

(3) The Deputy Minister of Health is, *ex officio*, a member of the Commission.

Deputy
Minister

(4) The members of the Commission who are not public servants shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

Remunera-
tion

(5) *The Public Service Superannuation Act* applies to every full-time member of the Commission.

Application
of R.S.O. 1970,
c. 387

Chairman,
duties

3.—(1) The Chairman is the chief executive officer of the Commission and is responsible for the performance of such duties as are assigned to him by the Lieutenant Governor in Council and the Minister of Health.

Acting
Chairman

(2) In case of the absence or illness of the Chairman or of there being a vacancy in the office of the Chairman, the vice-chairman or, if none, such person as the Commission designates for such purposes shall act temporarily as and have the powers of the Chairman.

Chairman
responsible
to Minister

(3) The Chairman is responsible to the Minister of Health for the administration of the Plan.

Employees

4. Such officers and employees as are considered necessary to carry out the duties of the Commission shall be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 387

O.H.I.P.
organization

5.—(1) The Commission is empowered to do all things necessary to arrange for the organization of the Ontario Health Insurance Plan to include the plan of hospital care insurance established in accordance with the agreement between the Government of Ontario and the Government of Canada authorized by the *Hospital Insurance and Diagnostic Services Act* (Canada) and the Health Services Insurance Plan established in accordance with the *Medical Care Act* (Canada), and, without limiting the generality of the foregoing, the Commission has the function and the power to,

R.S.C. 1970,
cc. H-8, M-8

- (a) make all necessary arrangements for and carry out advance enrolment;
- (b) bill and collect advance payment of premiums;
- (c) determine eligibility for persons to become insured persons under the Plan in accordance with this Act and the regulations;
- (d) determine eligibility for premium assistance in accordance with this Act and the regulations.

Powers of
Commission

(2) The Commission may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract by the Commission.

Collection
of premiums

(3) Premiums collected by the Commission in respect of the Plan shall be paid to the Treasurer of Ontario.

Entitlement
to enrol

6.—(1) Every person who is eligible to be an insured person under *The Health Services Insurance Act* or *The*

Hospital Services Commission Act is eligible to become an insured person under the Plan. R.S.O. 1970, cc. 200, 209

(2) The prescribed premium for insurance under the Plan shall be paid three months in advance of the period in respect of which the premium is paid. Advance payment of premiums

7.—(1) Any person who is sixty-five years of age or over and who applies and is eligible therefor, and his spouse and dependants, are entitled to receive insured services under the Plan without the payment of a premium. Exemption from premium of persons over 65

(2) Subsection 1 does not apply to a person unless he has been ordinarily resident in Ontario for the previous twelve months. Idem

8.—(1) Subject to subsection 2, nothing in this Act shall be construed to affect any agreement or legally enforceable arrangement whereby an employer contributes all or part of the premiums payable for insured services under *The Health Services Insurance Act* or *The Hospital Services Commission Act* in respect of his employees and any obligation of the employer thereunder to pay all or part of premiums for insured services continues in respect of the payment of the premium for insured services under the Plan. Existing agreements not affected

(2) Where the amount or amounts required to be paid by the employer under an agreement or legally enforceable arrangement referred to in subsection 1 as premiums for insured services, or the part of such amount or amounts that is referable to insured services, is greater than the amount or amounts the employer is, by virtue of subsection 1, required to pay in respect of the premiums under the Plan, the employer, until the agreement or arrangement is terminated, shall pay the amount of the excess to or for the benefit of the employees, and, notwithstanding any other Act, any such excess shall first be applied to increase the employer's share of the premium payment until such share has reached 100 per cent. Benefit of premium reductions to be passed to insured person by employer

(3) Section 37 of *The Labour Relations Act* applies to differences arising in the application of this section in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement. Provisions for arbitration R.S.O. 1970, c. 232

(4) For the purposes of this section, a person who has ceased to be employed by an employer but for whom the employer is legally responsible to pay all or part of the premium shall be deemed to be an employee of the employer. Who deemed employee

Regulations **9.** The Lieutenant Governor in Council may make regulations,

- (a) fixing the premium for insurance under the Plan;
- (b) prescribing forms for the purposes of this Act and providing for their use;
- (c) providing for assistance in the payment of premiums for insurance under the Plan, including prescribing the qualifications and amounts and the procedures for granting such assistance;
- (d) designating provisions in *The Health Services Insurance Act* or *The Hospital Services Commission Act* that shall apply in respect of advance enrolment under the Plan.

R.S.O. 1970,
cc. 200, 209

Moneys

10. The moneys required for the purposes of this Act shall, until the 1st day of April, 1972, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Repeal

11. This Act is repealed on the 1st day of July, 1972 unless sooner repealed by specific enactment.

Commence-
ment

12. This Act comes into force on the 1st day of January, 1972.

Short title

13. This Act may be cited as *The Ontario Health Insurance Organization Act, 1971*.

CHAPTER 6

**An Act to amend
The Health Services Insurance Act**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Health Services Insurance Act*, being chapter 200 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

6a.—(1) Any person who is sixty-five years of age or over and who applies and is eligible therefor, and his spouse and dependants, are entitled to be insured persons without payment of a premium.

(2) Subsection 1 does not apply to a person unless he has been ordinarily resident in Ontario for the previous twelve months.

2.—(1) Subsection 3 of section 10 of the said Act is amended by inserting after “employees” in the eighth line “and any such excess shall first be applied to increase the employer’s share of the premium payment until such share shall have reached 100 per cent”.

(2) The said section 10 is amended by adding thereto the following subsection:

(6) For the purposes of this section, a person who has ceased to be employed by an employer but for whom the employer is legally responsible to pay all or part of the premium shall be deemed to be an employee of the employer.

3. This Act comes into force on the 1st day of January, 1972.

4. This Act may be cited as *The Health Services Insurance Amendment Act, 1971 (No. 2)*.

CHAPTER 7

**An Act to amend
The Hospital Services Commission Act**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Hospital Services Commission Act*, being chapter 209 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

- 14a.**—(1) Any person who is sixty-five years of age or over and who applies and is eligible therefor, and his spouse and dependants, are entitled to be insured persons without payment of a premium. Exemption from premium for persons over 65 ss. 14a, 14b, enacted
- (2) Subsection 1 does not apply to a person unless he has been ordinarily resident in Ontario for the previous twelve months. Idem
- 14b.** Nothing in section 14a shall be construed to affect any agreement for contribution by an employer of all or any of the premiums payable for insurance in respect of persons to whom section 14a applies, and the employer shall, until the agreement is terminated, pay the amount of the contribution he is required to pay under the agreement to or for the benefit of the person to whom section 14a applies and section 37 of *The Labour Relations Act* applies to differences arising in the application of this section in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement. Agreements for employer's contribution R.S.O. 1970, c. 232

2. This Act comes into force on the 1st day of January, 1972. Commencement

3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1971*. Short title

CHAPTER 8

**An Act to amend
The Corporation Securities Registration Act**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The Corporation Securities Registration Act*, being chapter 88 of the Revised Statutes of Ontario, 1970, is amended by striking out “under his hand” in the second line. <sup>s. 10 (1),
amended</sup>

(2) Subsections 2 and 3 of the said section 10 are repealed <sup>s. 10 (2,3),
re-enacted</sup> and the following substituted therefor:

- (2) Every copy of a document filed under this Act, <sup>Certifying
copies of
documents</sup> certified by the Minister to be a true copy, shall be received in evidence in any action, prosecution or other proceeding as *prima facie* proof for all purposes as if the original document were produced and also as *prima facie* proof of the execution of the original document according to the purport of such copy.
- (3) A certificate issued under this section shall be under <sup>Execution
of certi-
ficates</sup> the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the Lieutenant Governor in Council by regulation.
- (4) A certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 3 shall be received in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate. <sup>Certificate
as evidence</sup>

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Corporation Securities Registration Amendment Act, 1971*. ^{Short title}

CHAPTER 9

An Act to amend The Teachers' Superannuation Act

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause vi of clause *e* of section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 1 (e) (vi),
re-enacted

(vi) as a teacher in Elliot Lake Centre for Continuing Education, Moosonee Education Centre, the Institute of Child Study, the University of Toronto Schools, the Ontario College of Art, the Royal Ontario Museum, Ryerson Polytechnical Institute, St. John's Training School for Boys, Uxbridge, or St. Joseph's Training School for Boys, Alfred,

(via) as a teacher in the civil service as defined in *The Public Service Act*.

R.S.O. 1970,
c. 386

2. Subsection 7 of section 2 of the said Act is amended by striking out "Department of Education in Toronto" in the first and second lines and inserting in lieu thereof "Commission".

s. 2 (7),
amended

3. The said Act is amended by adding thereto the following sections:

ss. 2a, 2b, 2c,
enacted

2a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may,

Acquisition
and
disposition
of property

(a) in its own name acquire by purchase, lease or otherwise and hold any real property or any interest therein necessary for its actual use and occupation; and

(b) when no longer so necessary, sell or otherwise dispose of any of such property and pay the proceeds thereof into the Fund.

Expenditures re property	(2) Any expenditure incurred by the Commission in connection with any property acquired under subsection 1 shall be deemed to be an administration expense.
Rights of property	(3) The Commission may in its own name contract and be contracted with and sue and be sued in respect of any property or any interest therein acquired under subsection 1.
Commission a Crown commission for purposes of R.S.O. 1970, c. 394	(4) The Commission shall be deemed to be a commission of the Crown for the purposes of <i>The Public Works Creditors Payment Act</i> .
Execution of formal documents	2b. Where any document is required to be executed by the Commission, it is sufficient if the document is signed in the name of the Commission by any two of, <ul style="list-style-type: none"> (a) the chairman of the Commission ; (b) a member of the Commission designated by the Commission for the purpose ; (c) the director of the Commission.
Explanation of Act	2c. The Commission shall continue to provide to each contributor to the Fund the explanations required to be provided to contributors to the Fund by <i>The Pension Benefits Act</i> .
R.S.O. 1970, c. 342	
s. 7, re-enacted	4. Section 7 of the said Act is repealed and the following substituted therefor:
Interest on 1942 issue increased	7.—(1) The issue by the Treasurer of Ontario Government stock in the sum of \$31,200,000, dated the 1st day of November, 1942, bearing interest at the rate of $4\frac{3}{4}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 1982, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$31,200,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.
Interest on 1952 issue increased	(2) The issue by the Treasurer of Ontario Government stock in the sum of \$43,000,000, dated the 1st day of November, 1952, bearing interest at the rate of $4\frac{1}{2}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 1992, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of

\$43,000,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.

- (3) The issue by the Treasurer of Ontario Government stock in the sum of \$176,000,000, dated the 1st day of November, 1962, bearing interest at the rate of $4\frac{1}{2}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 2002, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$176,000,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1987. Interest on 1962 issue increased
- (4) The issue by the Treasurer of Ontario Government stock in the sum of \$454,500,000, bearing interest at the rate of 5 per cent per year payable half-yearly, and maturing on the 1st day of November, 1972, is withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$454,500,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half yearly, and maturing on the 1st day of November, 1992. Interest on stock issued 1962-71 increased
- (5) The Treasurer shall issue from time to time a Province of Ontario debenture in the amount, as determined by the Commission, of surplus funds accumulated in the Fund and not required for current expenditures, such debenture to be for a term of not more than twenty-five years and not less than twenty years and to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of long term securities issued or guaranteed by the Province payable in Canadian dollars and sold to the public during the Province of Ontario fiscal year next preceding the date of the debenture. Future issues
- (6) For the purposes of subsection 5, the rate of interest and the term of the debenture shall be as agreed upon between the Treasurer and the Commission and approved by the Lieutenant Governor in Council. Interest and term
- (7) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund. Charge on Consolidated Revenue Fund

Deposit of
securities

7a.—(1) All securities belonging to the Fund shall be deposited with the Treasurer.

Safekeeping
of securities

(2) The Treasurer is responsible for the safekeeping of all securities deposited with him under subsection 1.

s. 11 (a),
amended

5. Clause *a* of section 11 of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “6”.

s. 15,
re-enacted

6. Section 15 of the said Act is repealed and the following substituted therefor:

Payments
out of
Fund

15.—(1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund.

How pay-
ments out
to be made

(2) Every payment out of the Fund shall be made,

(a) by cheque of the Commission signed by; or

(b) by a direct transfer into the payee's account in a chartered bank or other institution entitled to receive money on deposit, pursuant to an arrangement authorized by the signatures of,

any two of, the chairman of the Commission, a member of the Commission designated by the Commission for the purpose, or the director of the Commission, and any such signature may be affixed in facsimile by use of a rubber stamp or by printing, lithographing, engraving or other means.

Days of
employment
to be
reported

(3) The recipient of an allowance shall report, as required by the Commission, the number of days, if any, that he was employed, and the Commission may direct that no further allowance be paid him until he provides such report to the Commission.

s. 17 (1) (d) (ii),
amended

7. Subclause ii of clause *d* of subsection 1 of section 17 of the said Act is amended by striking out “19” in the second line and inserting in lieu thereof “21”.

s. 19 (4),
re-enacted

8.—(1) Subsection 4 of section 19 of the said Act is repealed and the following substituted therefor:

Colleges of
applied arts
and
technology

(4) Every person on the staff of a college of applied arts and technology who is a contributor to the Fund on the 31st day of December, 1971, may,

by notice in writing executed on or before the 31st day of March, 1972, and given to the Commission and to the college, elect to discontinue his contributions to the Fund as of the 31st day of December, 1971, or to continue to contribute to the Fund while on the staff of any college of applied arts and technology in Ontario, and any such person who fails to execute such a notice within the prescribed time shall be deemed to have elected to continue to contribute to the Fund.

(2) Subsection 6 of the said section 19 is amended by ^{s. 19 (6),} striking out "4" in the first line. ^{amended}

(3) Subsection 7 of the said section 19 is repealed and ^{s. 19 (7),} the following substituted therefor: ^{re-enacted}

(7) A person who elects or is deemed to have elected ^{Effect of} under this section, or who elected or is deemed to have ^{election} elected under a predecessor of this section, to contribute to the Fund, shall be deemed to be employed as if the institution in which he is employed were named in subclause vi of clause e of section 1.

9. Section 20 of the said Act is amended by adding ^{s. 20,} thereto the following subsection: ^{amended}

(2a) Where the annual rate of salary is less than \$5,000, ^{Salaries} it shall, for the purposes of this section be deemed to ^{under} be at the annual rate of \$5,000. ^{\$5,000}

10. Clause a of subsection 2 of section 22 of the said Act is amended by inserting after "subclause" in the second ^{s. 22 (2) (a),} line "vi". ^{amended}

11. Section 24 of the said Act is repealed and the ^{s. 24,} following substituted therefor: ^{re-enacted}

24.—(1) Every person who,

(a) has credit in the Fund for thirty-five or more ^{Retirement} years of service; ^{at 62 after}

(b) is sixty-two or more years of age; and

(c) ceased to be employed on or before the 30th day of November, 1971,

is entitled to an annual superannuation allowance during his lifetime.

Retirement
where sum of
years of
service and
age equal 90

(2) Every person who,

(a) has ceased to be employed after the 30th day of November, 1971; and

(b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with, the date that he ceased to be employed, totals at least ninety years,

is entitled to an annual superannuation allowance during his lifetime.

s. 25 (1),
amended

12.—(1) Subsection 1 of section 25 of the said Act is amended by striking out “such allowance” in the first line and inserting in lieu thereof “the annual superannuation allowance under section 24”.

s. 25,
amended

(2) The said section 25 is amended by adding thereto the following subsection:

Interpreta-
tion

(1a) In this section, “salary” for any year means the salary used in calculating the person’s contribution to the Fund for such year.

s. 26 (1) (b),
re-enacted

13.—(1) Clause *b* of subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

(b) ceased to be employed on or before the 30th day of November, 1971,

s. 26 (2),
amended

(2) Subsection 2 of the said section 26 is amended by striking out “24” in the second line and inserting in lieu thereof “25”.

s. 27 (2),
amended

14.—(1) Subsection 2 of section 27 of the said Act is amended by striking out “subsections 1, 3 and 4 of” in the second line.

s. 27 (3),
repealed

(2) Subsection 3 of the said section 27 is repealed.

s. 28 (2),
amended

15. Subsection 2 of section 28 of the said Act is amended by striking out “subsections 1, 3 and 4 of” in the second line.

s. 29 (2),
amended

16. Subsection 2 of section 29 of the said Act is amended by striking out “subsections 1 and 4 of” in the second line.

17. Subsection 2 of section 30 of the said Act is ^{s. 30 (2),} amended by striking out "subsections 1 and 4 of" in the second line.

18. Section 32 of the said Act is repealed and the following ^{s. 32,} substituted therefor: ^{re-enacted}

32.—(1) Where a person who has credit in the Fund for ^{Dependant's} ten or more years dies while employed, or within ^{allowance,} two years after ceasing to be employed on account of ill health, or within one year after ceasing to be employed for any reason other than ill health during which year he or she manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a person who is in receipt of an allowance dies,

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person's credit in the Fund at the date of death, or

(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and, where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or

(b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person's credit in the Fund at the date of death, or
- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

Exceptions

- (2) Subsection 1 does not apply to the surviving spouse of a deceased person if they were married after the date of the deceased spouse's retirement or to the child or children of any such surviving spouse.

Where dependant's allowance to be reduced

- (3) Where the surviving spouse was at least ten years younger than the deceased spouse, the payments under subsection 1 shall be reduced at the rate of $2\frac{1}{2}$ per cent for each year that the surviving spouse was more than ten years younger than the deceased spouse.

Child defined

- (4) In this section, "child" includes an adopted child and a step-child, and "children" has a corresponding meaning.

s. 34a, enacted

19. The said Act is amended by adding thereto the following section:

Long-term disability income plans

R.S.O. 1970, c. 224

34a.—(1) Where the Minister, a board or other authority employing one or more persons who contribute to the Fund enters into an agreement with an insurer within the meaning of *The Insurance Act* to provide an

income to any such person who has a long-term disability, the agreement shall be submitted to the Commission for approval.

- (2) Where an agreement submitted under subsection 1 ^{Recipient's contributions} is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person for each month in respect of which the person receives a payment under the agreement where the contribution is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be equal to the amount of the last contribution in the Fund, that was made to the Fund by such person before the cessation of his employment.
- (3) Where an agreement approved by the Commission ^{Adjustment in line with cost of living} provides for payments to vary in amount from time to time in accordance with the cost of living, the amount of a contribution accepted by the Commission under subsection 2 shall be increased or decreased proportionately.
- (4) Annually and at the same time as the total ^{Contributions by Province} legislative grant is payable to the board or other authority, the Treasurer shall place to the credit of the Fund a sum equal to the total amount of the contributions made under this section in the previous twelve-month period.

20. Section 37 of the said Act is repealed.

s. 37,
repealed

21.—(1) Subsection 2 of section 42 of the said Act is ^{s. 42 (2), amended} amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b*, and by striking out clause *c*.

(2) Subsection 3 of the said section 42 is repealed and ^{s. 42 (3), re-enacted} the following substituted therefor:

- (3) Where a person who is receiving a disability allowance ^{Idem} becomes engaged as a teacher in a school or institution either in or outside Ontario but is not employed within the meaning of clause *e* of section 1, the allowance shall cease to be paid and the Commission may reinstate the allowance at the end of the period of teaching upon receipt of a written request therefor.

s. 44.
re-enacted

22. Section 44 of the said Act is repealed and the following substituted therefor:

Resumption
of disability
allowance

44. Where a person who ceased to receive a disability allowance because of re-employment again ceases to be employed,

(a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof upon receipt by the Commission of a notice in writing of the cessation of employment; and

(b) in the case of a person who has been so employed for a period of two or more school years, an application for an allowance shall be treated as an application for a new allowance.

Commence-
ment

23.—(1) This Act, except sections 1, 5, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 5, 8, 9 and 10 come into force on the 1st day of January, 1972.

Short title

24. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1971*.

CHAPTER 10

**An Act to amend
The Public Service Superannuation Act**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, is amended by striking out "that Part" in the second line and inserting in lieu thereof "this Act". <sup>s. 1 (1) (d),
amended</sup>

2. Section 8 of the said Act is amended by adding thereto <sup>s. 8,
amended</sup> the following subsection:

- (6) Any contributor who is entitled under clauses *a* and *b* <sup>Open
option</sup> of subsection 1 to credit in the Fund but who has failed to establish credit in respect of his continuous non-contributory service with the Crown under clauses *c* and *d* of subsection 1, may establish credit any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him during his period of non-contributory service shall be deemed to be equal to the rate of salary authorized at the time when he made the election and interest shall not be added.

3. Section 11 of the said Act is amended by adding thereto <sup>s. 11,
amended</sup> the following subsection:

- (3) Every contributor who, Idem
- (a) ceases to be employed in the public service after the 30th day of November, 1971; and
- (b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with,

the date he ceases to be employed in the public service, totals at least ninety years,

is entitled to a superannuation allowance upon his retirement.

s. 12 (2),
re-enacted

4.—(1) Subsection 2 of section 12 of the said Act is repealed and the following substituted therefor:

Review

(2) The Board may at any time review the case of any person receiving a disability allowance and if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Civil Service Commission which shall consider the person for re-employment.

s. 12 (4),
re-enacted

(2) Subsection 4 of the said section 12 is repealed and the following substituted therefor:

Where
offer not
accepted

(4) Where a person does not accept the offer, he is entitled to a deferred annuity or to an immediate annuity if he has attained the age at which an immediate annuity would otherwise be payable to him.

Reduction
factors on
immediate
annuity

(5) Where an immediate annuity is payable under this section, the age of the person at the beginning of the month in which he commenced to receive a disability allowance will be taken into account in applying the reduction factors provided for in section 14.

s. 13 (3) (b),
amended

5.—(1) Clause *b* of subsection 3 of section 13 of the said Act is amended by striking out “with the approval of the Lieutenant Governor in Council” in the first and second lines and inserting in lieu thereof “subject to subsection 6”.

s. 13 (4),
amended

(2) Subsection 4 of the said section 13 is amended by striking out “with the approval of the Lieutenant Governor in Council” in the second and third lines and inserting in lieu thereof “subject to subsection 6”.

s. 13 (5),
amended

(3) Subsection 5 of the said section 13 is amended by striking out “with the approval of the Lieutenant Governor in Council” in the eleventh line and inserting in lieu thereof “subject to subsection 6”.

s. 13,
amended

(4) The said section 13 is further amended by adding thereto the following subsection:

- (6) If a contributor or former contributor has been dismissed from the public service no annuity shall be paid, without the approval of the Lieutenant Governor in Council, under clause *b* of subsection 3 or under subsection 4 or 5. Approval
required

6.—(1) Subsection 3 of section 14 of the said Act is repealed. s. 14 (3),
repealed

(2) Subsection 4 of the said section 14 is amended by adding “or” at the end of clause *b* and by adding thereto the following clause: s. 14 (4),
amended

- (c) in the case of a person who retires or ceases to be employed in the public service before attaining the age of sixty-five years, until he attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*. R.S.C. 1970,
c. C-5

(3) Subsection 5 of the said section 14 is repealed and the following substituted therefor: s. 14 (5),
re-enacted

- (5) The amount of every annuity shall be further reduced or reduced, as the case may be, at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity. Idem,
annuities

(4) Subsection 10 of the said section 14 is amended by inserting after “other” in the seventh line “than”. s. 14 (10),
amended

7. Section 18 of the said Act is repealed and the following substituted therefor: s. 18,
re-enacted

18. Where a contributor who,

- (a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or
- (b) is found by the Board to be unable to perform his or her duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he or she is not entitled to a disability allowance or annuity; or
- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or widower or a child or children under the age of eighteen years,

Retirement
or death
before super-
annuation

twice the amount of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his widow or her widower or child or children, as the case may be.

s. 20 (3),
re-enacted

8.—(1) Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Where a person who was receiving an allowance or an annuity dies without having attained the age of sixty-five years at the date of his death, the allowance or annuity payable to the widow, or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would have received at the beginning of the month following the month in which he would have attained such age.

s. 20 (8) (a, b),
repealed

(2) Clauses *a* and *b* of subsection 8 of the said section 20 are repealed.

s. 28 (1),
amended

9.—(1) Subsection 1 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d*, and by adding thereto the following clause:

1971, c. 66

(e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Department of Colleges and Universities Act, 1971* applies.

s. 28 (2),
amended

(2) Subsection 2 of the said section 28, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d*, and by adding thereto the following clause:

(e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Department of Colleges and Universities Act, 1971* applies.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Public Service Superannuation Amendment Act, 1971 (No. 2)*.

CHAPTER 11

**An Act to amend
The Day Nurseries Act**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 25, subsection 1 and 1971, chapter 93, section 1, is repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "approved corporation" means a corporation approved under section 2*b*;
- (b) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); ^{R.S.O. 1970, c. 1-6}
- (c) "Board" means the Day Nursery Review Board established under section 5;
- (d) "corporation" means a corporation without share capital having objects of a charitable nature,
 - (i) to which Part III of *The Corporations Act* applies, or ^{R.S.O. 1970, c. 89}
 - (ii) that is incorporated under a general or special Act of the Parliament of Canada;
- (e) "day nursery" means a place that receives, primarily for the purpose of temporary care

and custody, for a continuous period not exceeding twenty-four hours, more than five children, not of common parentage, who are,

(i) under eighteen years of age in the case of a day nursery for retarded children, and

(ii) under ten years of age in all other cases,

and that is not,

R.S.O. 1970,
c. 385

(iii) part of a public school under *The Public Schools Act*,

R.S.O. 1970,
c. 430

(iv) part of a separate school under *The Separate Schools Act*,

R.S.O. 1970,
c. 111

(v) part of a private school registered under *The Department of Education Act*,

R.S.O. 1970
c. 68

(vi) a children's mental health centre under *The Children's Mental Health Centres Act*, or

R.S.O. 1970,
c. 425

(vii) a school for trainable retarded children under *The Secondary Schools and Boards of Education Act*;

(f) "Director" means the Director of the Day Nurseries Branch of the Department of Social and Family Services;

(g) "licensed day nursery" means a day nursery licensed under this Act;

(h) "Minister" means the Minister of Social and Family Services;

(i) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;

(j) "operator" means a person or a partnership or association of persons that has the control and management of a day nursery, and "operate" has a corresponding meaning;

- (k) "private-home day care" means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (l) "regulations" means the regulations made under this Act;
- (m) "retarded children" means children in whom there is a condition of arrested or incomplete development of mind as verified by objective psychological or medical findings.

2. Subsection 4 of section 2 of the said Act is repealed and ^{s. 2 (4),} the following substituted therefor: ^{re-enacted}

- (4) The Minister may,
 - (a) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;
 - (b) enter into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children residing in areas without municipal organization as is agreed upon;
 - (c) direct payment of such expenditures as are necessary for the purposes of clauses *a* and *b*.

3. The said Act is amended by adding thereto the ^{ss. 2b, 2c,} following sections: ^{enacted}

- 2b. Where the Lieutenant Governor in Council is ^{Approval of} satisfied that any corporation, ^{corporations}
 - (a) is affiliated with the Ontario Association for the Mentally Retarded; or
 - (b) is, on the day this section comes into force, operating a licensed day nursery for retarded children,

and, with financial assistance under this Act, is financially capable of establishing, maintaining and operating a day nursery for retarded children and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the payment of grants under this Act and the regulations.

Suspension
and
revocation
of approvals

2c.—(1) Subject to this section, any approval given under section 2b may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if,

(a) any director, officer or servant of the approved corporation has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provisions; or

(b) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with the consent of the approved corporation, before suspending or before recommending to the Lieutenant Governor in Council revocation of an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Department of Social and Family Services, appointed by the Minister.

Application
of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to
Minister

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of
Minister

(5) After considering a report made to him under this section, the Minister may thereupon suspend or recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension
of approval

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval

given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

4.—(1) Clause *a* of subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by striking out "or the renovation" in the first and second lines. <sup>s. 3 (1) (a),
amended</sup>

(2) The said section 3, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by adding thereto the following subsection: <sup>s. 3,
amended</sup>

(3) There shall be paid to every approved corporation an amount equal to 80 per cent of its costs computed in accordance with the regulations for the operation and maintenance of every licensed day nursery for retarded children maintained and operated by the corporation. <sup>Grants to
approved
corporations</sup>

5. Sections 3*a* and 3*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 3, are repealed and the following substituted therefor: <sup>ss. 3*a*, 3*b*,
re-enacted</sup>

3*a*.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building or the renovation or the furnishing and equipping of a building, <sup>Capital
grants</sup>

(*a*) by a municipality or band for use in whole or in part as a day nursery; or

(*b*) by an approved corporation for use in whole or in part as a day nursery for retarded children,

he may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature, of an amount to be computed in accordance with the regulations, towards the cost of the new building, addition, acquisition, renovation, or furnishing and equipment that is applicable to the day nursery.

Time and
manner of
payment

- (2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at such time and in such manner as are prescribed by the regulations.

Approval to
sale, etc.

- 3b.—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment of a grant under section 3a, without the approval in writing of the Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such grant as the Director may consider advisable.

Recovery of
whole or
part of
grant

- (2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of the Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any grant paid under section 3a in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

(a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or

(b) by proceedings in any court of competent jurisdiction.

s. 15 (3),
re-enacted

6. Subsection 3 of section 15 of the said Act is repealed and the following substituted therefor:

Obstructing
inspection

- (3) No person shall hinder or obstruct a provincial supervisor in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

s. 16 (ca),
amended

7.—(1) Clause ca of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 4, is amended by striking out “and bands” in the first line and inserting in lieu thereof “bands and approved corporations”.

(2) The said section 16, as amended by the Statutes of Ontario, 1971, chapter 93, section 4, is further amended by adding thereto the following clauses:

(cb) specifying the corporations that are approved under section 2b;

.

(da) prescribing classes of capital grants for the purposes of section 3a, the circumstances under which any such grant or class thereof may be paid, and determining the amounts of any such grants or classes thereof.

8. This Act comes into force on the day it receives Royal Assent.

9. This Act may be cited as *The Day Nurseries Amendment Act, 1971* (No. 2).

CHAPTER 12

An Act to establish the Management Board of Cabinet

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “Board” means the Management Board of Cabinet;
- (b) “Chairman” means the member of the Executive Council appointed as Chairman of the Board by the Lieutenant Governor;
- (c) “department” means a department of the Government of Ontario and includes a board, commission, authority, corporation or other agency of the Government of Ontario;
- (d) “public service” means all departments or any part thereof;
- (e) “secretariat” means the staff of the Board reporting to the Board through the Secretary;
- (f) “Secretary” means the Secretary of the Board;
- (g) “Vice-Chairman” means the member of the Executive Council who by order in council is appointed the Vice-Chairman of the Board.

(2) Except as otherwise provided in this Act, section 1 of *The Financial Administration Act* applies to this Act.

Idem
R.S.O. 1970,
c. 166

2.—(1) There shall be a Management Board of Cabinet which shall consist of the Chairman, the Vice-Chairman and not fewer than four and not more than six other members of the Executive Council designated from time to time by the Lieutenant Governor in Council.

Composition
of Board

Alternate
members

(2) The Lieutenant Governor in Council may designate other ministers to serve as alternates in the absence of members of the Board.

Chairman's
powers and
duties

(3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board and the secretariat.

Absence of
Chairman

(4) When the Chairman is absent from any meeting, the Vice-Chairman shall preside at the meeting and, when both the Chairman and Vice-Chairman are absent, the members present at a meeting shall appoint a member to preside at the meeting.

Secretary

(5) The Lieutenant Governor in Council shall appoint an officer, to be known as the Secretary of the Management Board of Cabinet, who shall perform such functions as the Board may assign to him, and the Secretary of the Management Board of Cabinet shall rank as and have all the powers and duties of a deputy minister of a department.

Officers and
employees

(6) Such other officers and employees as are necessary for the proper conduct of the business of the Board shall be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

Procedure

(7) The Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

Quorum

(8) Three members of the Board constitute a quorum.

Duties of
Board

3.—(1) The Board shall be a committee of the Executive Council with the following powers and duties:

- (a) to co-ordinate the implementation of programs sanctioned or provided for by the Legislature;
- (b) to direct the preparation and review of forecasts, estimates and analyses of revenues, expenditures, commitments and other data pertaining to authorized or proposed programs and to assess the results thereof;
- (c) to control expenditures of public money within the amounts appropriated or otherwise provided for by the Legislature;
- (d) to approve organization and staff establishments in the public service;
- (e) to establish, prescribe or regulate such administrative policies and procedures as the Board considers

necessary for the efficient and effective operation of the public service generally;

(f) to initiate and supervise the development of management practices and systems for the efficient operation of the public service; and

(g) to report to the Executive Council on any other matter concerning general administrative policy in the public service that is referred to it by the Executive Council or on which the Board considers it desirable to report to the Executive Council.

(2) The Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. Board may require production of documents

(3) The Board may issue such administrative directives as it considers necessary in the performance of its duties. Administrative directives

(4) The Board may undertake or order such studies and examinations of the operation and administration of any part of the public service as the Board considers necessary for the performance of the duties of the Board. Studies

(5) The Board in the exercise of its powers and duties under this or any other Act is subject to the direction of the Executive Council which may amend or revoke any action of the Board. Board subject to direction of Executive Council

4.—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Board shall estimate the amount to be required for such expenditure and the Lieutenant Governor in Council upon the report of the Treasurer of Ontario that there is no appropriation for the expenditure and upon the report of the Board stating its estimate and upon the recommendation of the minister of the department concerned that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the payment of the amount estimated to be required for such expenditure. Special warrants

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. Warrant an appropriation

Board
orders

5. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, may make an order authorizing payments to be made against such amount as it considers proper.

Regulations

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) respecting the retention and disposal of records;
- (c) fixing the scale of allowances for travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service;
- (d) for any purpose necessary for the efficient administration of the public service;
- (e) prescribing salaries of Crown employees that have been determined through negotiation under section 27 or 28 of *The Public Service Act*.

R.S.O. 1970,
c. 386

Present
regulations
continued
R.S.O. 1970,
c. 166

(2) Any regulations made under section 5 of *The Financial Administration Act* that are in force immediately before this Act comes into force shall be deemed to have been made by the Board under subsection 1.

Chairman to
be minister
of
department
R.S.O. 1970,
c. 153

7. For the purposes of *The Executive Council Act*, the Chairman of the Board is a minister having charge of a department.

References to
Treasury
Board in
other Acts

8. Where a reference to the Treasury Board appears in any Act, regulation or order, it shall be deemed to be a reference to the Management Board of Cabinet.

R.S.O. 1970,
c. 166, ss. 2-5,
21, 22, 24,
repealed

9. Sections 2, 3, 4, 5, 21, 22 and 24 of *The Financial Administration Act* are repealed.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

11. This Act may be cited as *The Management Board of* ^{Short title}
Cabinet Act, 1971.

CHAPTER 13

An Act to establish the Policy and Priorities Board of Cabinet

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Board" means the Policy and Priorities ^{Interpre-}Board of Cabinet. ^{tation}

2.—(1) There shall be a Policy and Priorities Board of ^{Establish-}Cabinet which shall consist of the Chairman and not fewer ^{ment and} than five and not more than six other members of the ^{composition} Executive Council designated from time to time by the ^{of Board}Lieutenant Governor in Council.

(2) The Prime Minister is the Chairman of the Board. Chairman

(3) The Chairman shall preside at meetings of the Board ^{Chairman's} and is responsible for the operation and administration of the ^{powers and}Board. ^{duties}

(4) When the Chairman will be or is absent from any ^{Absence of}meeting he may appoint a member of the Board to preside ^{Chairman} at the meeting otherwise the members present at the meeting shall appoint a member to preside at the meeting.

(5) The Secretary to the Cabinet shall, from among the ^{Staff}persons on the staff of the Cabinet office, provide the Board with such staff as is necessary for the proper conduct of the business of the Board.

(6) The Board may determine its rules and methods of pro- ^{Procedure}cedure and shall keep a minute book in which proceedings shall be recorded.

(7) Three members of the Board constitute a quorum. Quorum

3. The Board shall be the committee of the Executive ^{Duties of}Council which shall develop, review, co-ordinate and advise ^{Board}on policy and priorities relating to,

- (a) the overall long-term and short-term goals of governmental activity in relation to the social and economic needs of the Province of Ontario;
- (b) the general outline of budgetary and fiscal policy and of levels of taxation and priorities among expenditure programs in accordance with the goals;
- (c) recommendations submitted by policy field committees;
- (d) program proposals and other matters referred to the Board;
- (e) the periodic reappraisal of existing programs; and
- (f) inter-governmental relations.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Policy and Priorities Board of Cabinet Act, 1971*.

CHAPTER 14

An Act to amend The Executive Council Act

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Executive Council Act*, ^{s.3 (1),} ^{amended} being chapter 153 of the Revised Statutes of Ontario, 1970, is amended by inserting after "department" in the second line "including every provincial secretary for policy development", so that the subsection shall read as follows:

(1) The annual salary of every minister having charge of ^{Salaries} a department including every provincial secretary for policy development is \$15,000.

2. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation. ^{ment}

3. This Act may be cited as *The Executive Council Amend-* ^{Short title} *ment Act, 1971.*

CHAPTER 15

**An Act to amend
The Extra-Judicial Services Act**

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Extra-Judicial Services Act*, being^{s. 1,} amended chapter 155 of the Revised Statutes of Ontario, 1970, is amended by striking out "\$6,000" in the second line and inserting in lieu thereof "\$3,000".
2. This Act comes into force on the 1st day of January, 1972.<sup>Commence-
ment</sup>
3. This Act may be cited as *The Extra-Judicial Services*^{Short title} *Amendment Act, 1971*.

CHAPTER 16

An Act to amend The Surrogate Courts Act

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 8 of *The Surrogate Courts Act*, ^{s. 8 (4), re-enacted} being chapter 451 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (4) Where the judge or junior judge of a county or district court is also the judge or junior judge of a surrogate court, there shall be paid out of the Consolidated Revenue Fund, ^{or Allowance where county court judge is also surrogate court judge}
- (a) where the judge is the chief judge of the county and district courts, an allowance at the rate of \$5,500 per annum;
 - (b) where the judge is a judge of the county court of the Judicial District of York, an allowance at the rate of \$3,000 per annum;
 - (c) where the judge is a judge of any other county or district court or a junior judge of a county or district court or a judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$2,000 per annum.

2. This Act comes into force on the 1st day of January, 1972. ^{Commence-ment}

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1971 (No. 2)*. ^{Short title}

CHAPTER 17

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1972

*Assented to December 17th, 1971
Session Prorogued December 17th, 1971*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable ^{Preamble} William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1972; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$4,872,585,000 granted ^{\$172,969,000 granted for} by *The Supply Act, 1971*, there may be paid out of the ^{fiscal year} Consolidated Revenue Fund a sum not exceeding in the whole ¹⁹⁷¹⁻⁷² \$172,969,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1971, to the 31st day of March, 1972, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based. ^{1971, c. 103}

(2) Where, in the fiscal year ending the 31st day of March, ^{Exception} 1972, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required

by certificate of the Treasury Board to the department administered by the Minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1971 (No. 2)*.

SCHEDULE

Department of Agriculture and Food	\$ 6,000,000
Department of Correctional Services	1,435,000
Department of the Environment	900,000
Department of Health	34,075,000
Department of Transportation and Communications	36,406,000
Department of Labour	2,000,000
Department of Lands and Forests	12,324,000
Department of Mines and Northern Affairs	1,000,000
Department of Municipal Affairs	28,500,000
Department of Public Works	13,050,000
Department of Social and Family Services	37,279,000
	<hr/>
	\$172,969,000
	<hr/> <hr/>

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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Twenty-First Year of the
Reign of Her Majesty
QUEEN ELIZABETH II

Being the Second Session of the Twenty-Ninth
Legislature of Ontario

CONVENED ON THE 29TH DAY OF FEBRUARY, 1972 AND
PROROGUED ON THE 15TH DAY OF DECEMBER, 1972

HIS HONOUR W. ROSS MACDONALD
LIEUTENANT GOVERNOR

TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER
1972

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21 ELIZABETH II

CHAPTER 1

An Act to provide for the Reorganization of the Government of Ontario

*Assented to April 7th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

GENERAL

1. The word "Department" where it occurs in the name of a present department of the Government in any Act or regulation is struck out and "Ministry" is substituted therefor. ^{"Department" changed to "Ministry"}

2. The words "department" and "departments" where they occur in any Act or regulation and refer to a present department or present departments of the Government are struck out and "ministry" and "ministries" are substituted therefor, as the case may be. ^{"department" changed to "ministry"}

PART II

PREMIER

3.—(1) Section 2 of *The Executive Council Act*, being chapter 153 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{*Executive Council Act*, s. 2, re-enacted}

2.—(1) The Lieutenant Governor may appoint under the Great Seal from among the ministers of the Crown the following ministers to hold office during pleasure: ^{Portfolios}

President of the Council
Attorney General
Chairman of the Management Board of Cabinet
Minister of Agriculture and Food
Minister of Colleges and Universities
Minister of Community and Social Services

Minister of Consumer and Commercial Relations
 Minister of Correctional Services
 Minister of Education
 Minister of the Environment
 Minister of Government Services
 Minister of Health
 Minister of Industry and Tourism
 Minister of Labour
 Minister of Natural Resources
 Minister of Revenue
 Minister of Transportation and Communications
 Provincial Secretary for Justice
 Provincial Secretary for Resources Development
 Provincial Secretary for Social Development
 Solicitor General
 Treasurer of Ontario and Minister of Economics and
 Intergovernmental Affairs

and such other ministers as he sees fit, and may by order in council prescribe their duties and the duties of any ministries over which they preside, and of the officers and clerks under their jurisdiction.

Parlia-
mentary
Assistants

- (2) The Lieutenant Governor in Council may appoint such Parliamentary Assistants to assist such ministers of the Crown as he considers advisable and may prescribe their duties.

s. 3 (1),
amended

(2) Subsection 1 of section 3 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Sess.), chapter 14, section 1, is further amended by striking out "having charge of a department including every provincial secretary for policy development" in the first and second lines and in the amendment of 1971 (2nd Sess.) and inserting in lieu thereof "with portfolio".

s. 3,
amended

- (3) The said section 3 is amended by adding thereto the following subsection:

Salary of
Parlia-
mentary
Assistant

- (3a) The annual salary of every Parliamentary Assistant is \$5,000.

*Legislative
Assembly
Act*,
s. 8 (2) (a),
amended

4.—(1) Clause *a* of subsection 2 of section 8 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "or a Parliamentary Assistant".

s. 13,
amended

- (2) Section 13 of the said Act is amended by inserting after "Council" in the second line "or a Parliamentary Assistant".

(3) Subsection 1 of section 61 of the said Act is amended ^{s. 61 (1), amended} by striking out "in charge of a department" in the third line and inserting in lieu thereof "with portfolio".

PART III

MINISTRY OF AGRICULTURE AND FOOD

5.—(1) The title to *The Department of Agriculture and Food Act*, being chapter 109 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{Department of Agriculture and Food Act, title, re-enacted}

The Ministry of Agriculture and Food Act

(2) Subsection 1 of section 2 of the said Act is repealed ^{s. 2 (1), re-enacted} and the following substituted therefor:

(1) The department of the public service known as the Department of Agriculture and Food is continued ^{Department continued} under the name of the Ministry of Agriculture and Food.

6. Subsection 10 of section 2 of *The Co-operative Loans Act*, being chapter 86 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{Co-operative Loans Act, s. 2 (10), re-enacted}

(10) The Minister shall submit the report to the Lieutenant ^{Idem} Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

7.—(1) Clause *f* of section 1 of *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, is repealed. ^{Drainage Act, s. 1 (f), repealed}

(2) Clause *m* of the said section 1 is repealed and the following ^{s. 1 (m), re-enacted} substituted therefor:

(*m*) "Minister" means the Minister of Agriculture and Food;

(*ma*) "Ministry" means the Ministry of Agriculture and Food.

8. Subsection 2 of section 9 of *The Ontario Food Terminal Act*, being chapter 313 of the Revised Statutes of Ontario, 1970, is amended by striking out "Provincial Secretary" in the first ^{Ontario Food Terminal Act, s. 9 (2), amended} and second lines and inserting in lieu thereof "Minister".

PART IV

MINISTRY OF THE ATTORNEY GENERAL

Department of Justice Act, title, re-enacted

9.—(1) The title to *The Department of Justice Act*, being chapter 116 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of the Attorney General Act

s. 1, re-enacted

(2) Section 1 of the said Act is repealed and the following substituted therefor:

Interpretation

1. In this Act, “Ministry” means the Ministry of the Attorney General.

s. 2 (1), re-enacted

(3) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

Department continued

(1) The department of the public service known as the Department of Justice is continued under the name of the Ministry of the Attorney General.

s. 3 (1), amended

(4) Subsection 1 of section 3 of the said Act is amended by striking out “Deputy Minister of Justice and” in the second line.

s. 5 (i), re-enacted

(5) Clause *i* of section 5 of the said Act is repealed and the following substituted therefor:

(i) shall superintend all matters connected with judicial offices.

Act, amended

(6) The said Act is amended by striking out “Minister” wherever it occurs and substituting therefor “Attorney General”.

Amendment of references to Department of Justice, etc.

(7) A reference in any Act or regulation to the Minister of Justice and Attorney General, the Deputy Minister of Justice and Deputy Attorney General, the Department of Justice or *The Department of Justice Act* shall be deemed to be a reference to the Attorney General, the Deputy Attorney General, the Ministry of the Attorney General or *The Ministry of the Attorney General Act*, respectively.

Expropriations Act, s. 5 (2) (c), amended

10. Clause *c* of subsection 2 of section 5 of *The Expropriations Act*, being chapter 154 of the Revised Statutes of Ontario, 1970, is amended by striking out “the Provincial Secretary and Minister of Citizenship” in the first and second lines and inserting in lieu thereof “the Attorney General”.

11.—(1) Clause *b* of section 8 of *The Ontario Municipal Board Act*, being chapter 323 of the Revised Statutes of Ontario, 1970, is amended by striking out “Minister of Municipal Affairs” in the second line and inserting in lieu thereof “Attorney General”. Ontario Municipal Board Act, s. 8 (b), amended

(2) Section 100 of the said Act is repealed and the following substituted therefor: s. 100, re-enacted

100. The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Attorney General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

PART V

MINISTRY OF COLLEGES AND UNIVERSITIES

12.—(1) The title to *The Department of Colleges and Universities Act, 1971*, being chapter 66, is repealed and the following substituted therefor: Department of Colleges and Universities Act, 1971, title, re-enacted

The Ministry of Colleges and Universities Act, 1971

(2) Section 1 of the said Act is repealed and the following substituted therefor: s. 1, re-enacted

1. In this Act,

Interpre-
tation

- (a) “Minister” means the Minister of Colleges and Universities;
- (b) “Ministry” means the Ministry of Colleges and Universities.

(3) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (1), re-enacted

- (1) The department of the public service heretofore known as the Department of Colleges and Universities is continued under the name of the Ministry of Colleges and Universities. Department continued

(4) Section 4 of the said Act is repealed and the following substituted therefor: s. 4, re-enacted

4. Any reference to the Minister or Deputy Minister of University Affairs in any Act or regulation shall be deemed to be a reference to the Minister or Deputy Minister of Colleges and Universities, and any reference to the Department of University Affairs or Department of Colleges and Universities in any Act or regulation shall be deemed to be a reference to the Ministry of Colleges and Universities. References to Minister, etc.

s. 6a,
enacted

(5) The said Act is amended by adding thereto the following section:

Grants to
historical
institutions

6a. The Lieutenant Governor in Council may make regulations providing for the apportionment and distribution of moneys appropriated by the Legislature for the maintenance, development and promotion of historical institutions, and providing for the conditions governing the payment thereof.

s. 10,
amended

(6) Section 10 of the said Act is amended by striking out "*Department*" in the first line and inserting in lieu thereof "*Ministry*".

*Apprenticeship and
Tradesmen's
Qualification
Act*,
s. 1 (d),
re-enacted

13.—(1) Clause *d* of section 1 of *The Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(d) "*Minister*" means the Minister of Colleges and Universities.

s. 3 (2),
amended

(2) Subsection 2 of section 3 of the said Act is amended by striking out "*Department of Labour*" in the fourth line and inserting in lieu thereof "*Ministry of Colleges and Universities*".

*Archives
Act*,
ss. 1, 2,
re-enacted

14.—(1) Sections 1 and 2 of *The Archives Act*, being chapter 28 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

Interpre-
tation

1. In this Act,

(a) "*Archives*" means the Archives of Ontario;

(b) "*Archivist*" means the officer appointed to administer this Act.

Archivist

2. There shall be an Archivist who shall be appointed by the Lieutenant Governor in Council with the rank of a deputy head of a Ministry and who shall be in charge of the administration of this Act under the direction of the member of the Executive Council to whom the administration of this Act is assigned.

Act,
amended

(2) The said Act is amended by striking out "*Department*" wherever it occurs and substituting therefor "*Archives*".

*Arts Council
Act*,
s. 1 (c),
re-enacted

15. Clause *c* of section 1 of *The Arts Council Act*, being chapter 31 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (c) "Minister" means the Minister of Colleges and Universities.

16.—(1) Clause *c* of section 1 of *The Ontario Educational Communications Authority Act*, being chapter 311 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

*Ontario
Educational
Communications
Authority
Act,
s. 1 (c),
re-enacted*

- (c) "Minister" means the Minister of Colleges and Universities.

(2) Subsection 2 of section 13 of the said Act is amended by striking out "and Minister of Economics" in the second line.

*s. 13 (2),
amended*

(3) Subsection 1 of section 14 of the said Act is amended by striking out "and Minister of Economics" in the second line.

*s. 14 (1),
amended*

17.—(1) Clauses *b* and *c* of section 1 of *The Public Libraries Act*, being chapter 381 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

*Public
Libraries
Act,
s. 1 (b, c),
re-enacted*

- (b) "Minister" means the Minister of Colleges and Universities;

- (c) "Ministry" means the Ministry of Colleges and Universities.

(2) Clause *e* of the said section 1 is amended by striking out "*Department*" in the second line and inserting in lieu thereof "*Ministry*".

*s. 1 (e),
amended*

18.—(1) Clause *a* of section 1 of *The Trade Schools Regulation Act*, being chapter 466 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

*Trade
Schools
Regulation
Act,
s. 1 (a),
re-enacted*

- (a) "Minister" means the Minister of Colleges and Universities.

(2) Clause *c* of the said section 1 is amended by striking out "Department of Education" in the sixth line and inserting in lieu thereof "Ministry of Colleges and Universities".

*s. 1 (c),
amended*

(3) Section 12 of the said Act is amended by striking out "of Labour" in the fourth line.

*s. 12,
amended*

PART VI

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

*Department
of Social
and Family
Services
Act,
title,
re-enacted*

19.—(1) The title to *The Department of Social and Family Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Community and Social Services Act

ss. 1, 2,
re-enacted

(2) Sections 1 and 2 of the said Act are repealed and the following substituted therefor:

Interpre-
tation

1. In this Act,

(a) “Minister” means the Minister of Community and Social Services;

(b) “Ministry” means the Ministry of Community and Social Services.

Department
continued

2.—(1) The department of the public service known as the Department of Social and Family Services is continued under the name of the Ministry of Community and Social Services.

Minister
to have
charge

(2) The Minister shall preside over and have charge of the Ministry.

ss. 4, 5,
re-enacted

(3) Sections 4 and 5 of the said Act are repealed and the following substituted therefor:

Deputy
Minister
and staff
R.S.O. 1970,
c. 386

4. Subject to *The Public Service Act*, there may be appointed a Deputy Minister of Community and Social Services and such other officers, clerks and servants as the Minister considers necessary for the proper conduct of the business of the Ministry.

Amendment
of references
to Public
Welfare and
Social and
Family
Services

5. A reference in any Act, regulation or document to the Minister or Deputy Minister of Public Welfare, the Minister or Deputy Minister of Social and Family Services, the Department of Public Welfare, the Department of Social and Family Services, or *The Department of Social and Family Services Act* shall be deemed to be a reference to the Minister or Deputy Minister of Community and Social Services, the Ministry of Community and Social Services or *The Ministry of Community and Social Services Act*, respectively.

(4) Clauses *a* and *b* of section 6 of the said Act are amended by striking out in each instance “social and family” in the third line and inserting in lieu thereof “community and social”.

s. 6 (*a*, *b*),
amended

(5) The said Act is amended by adding thereto the following sections:

ss. 6*a*, 6*b*,
enacted

- 6*a*. The Minister shall, on his own initiative and through co-operation with the ministers having charge of the ministries of the public service of Ontario, with the ministers having charge of the departments of the public service of Canada, with municipal councils, with school boards and boards of education, with other organizations and otherwise, in the cause of human betterment, advance and encourage the concept and ideal of full and equal citizenship among the residents of Ontario in order that all may exercise effectively the rights, powers and privileges and fulfil the obligations, duties and liabilities of citizens of Canada within the Province of Ontario.
- 6*b*. Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to adult education, recreation, camping and physical education,
- (a) providing for programs therefor;
- (b) governing the granting of municipal recreation directors' interim and permanent certificates and arena managers' certificates;
- (c) authorizing,
- (i) the council of a municipality, county or district or regional municipality to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities having a combined population of under 25,000 to appoint a joint recreation committee with the approval of the Minister,
- (ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,
- (iii) joint recreation committees or recreation committees in municipalities having a population of not less than 25,000, to appoint area recreation committees and area recreation directors,

Citizenship
functions of
Minister

Regulations,
community
programs,
etc.

- (iv) two or more municipalities to enter into agreements, ,
- (v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and
- (vi) where territory without municipal organization is within the jurisdiction of two boards, such boards to appoint, with the approval of the Minister, a joint recreation committee for such territory without municipal organization as may be agreed upon by the two boards,

for the purpose of programs of recreation;

- (d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programs of recreation;
- (e) prescribing definitions of joint recreation program, joint recreation committee, municipal recreation program, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation program and recreation committee;
- (f) prescribing a definition of "approved maintenance and operating costs" for the purpose of legislative grants for programs of recreation, and requiring that "approved maintenance and operating costs" be subject to the approval of the Minister.
- (g) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for,
 - (i) programs of adult education, recreation, camping and physical education, and
 - (ii) leadership training camps;

- (h) prescribing the conditions governing the payment of grants for programs of adult education, recreation, camping or physical education, and providing for the approval of the Minister in any condition;
- (i) authorizing the Minister to determine the number of assistants and area community programs in respect of which grants may be paid for programs of recreation;
- (j) authorizing the payment, with the approval of the Minister, of special grants for programs of recreation, and fixing the amounts thereof.

6c.—(1) The Minister may establish, maintain and conduct camps for leadership training. Leadership
training
camps

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of the moneys appropriated therefor by the Legislature. Expenses

20. Clause *b* of section 1 of *The Community Centres Act*, *Community
Centres Act*,
s. 1 (b),
re-enacted being chapter 73 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (b) "Minister" means the Minister of Community and Social Services.

21. Section 6 of *The District Welfare Administration Boards Act*, *District
Welfare
Administration
Boards
Act*, amended being chapter 132 of the Revised Statutes of Ontario, 1970, is amended by striking out "Department of Municipal Affairs" wherever it occurs and inserting in lieu thereof in each instance "Ministry of Revenue".

22.—(1) Clause *e* of section 1 of *The Homes for the Aged and Rest Homes Act*, *Homes for the
Aged and Rest
Homes Act*,
s. 1 (e),
amended being chapter 206 of the Revised Statutes of Ontario, 1970, is amended by striking out "Department of Municipal Affairs" in the third line and inserting in lieu thereof "Ministry of Revenue".

(2) Section 23 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 99, section 3, is further amended by striking out "Department of Municipal Affairs" wherever it occurs and inserting in lieu thereof in each instance "Ministry of Revenue". s. 23,
amended

PART VII

MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

*Department
of Financial
and
Commercial
Affairs Act,
title,
re-enacted*

23.—(1) The title to *The Department of Financial and Commercial Affairs Act*, being chapter 113 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Consumer and Commercial Relations Act

*s. 1 (a, b, d),
re-enacted*

(2) Clauses *a*, *b* and *d* of section 1 of the said Act are repealed and the following substituted therefor:

(a) “Deputy Minister” means the Deputy Minister of Consumer and Commercial Relations;

(b) “Minister” means the Minister of Consumer and Commercial Relations;

.

(d) “Ministry” means the Ministry of Consumer and Commercial Relations.

*s. 2,
re-enacted*

(3) Section 2 of the said Act is repealed and the following substituted therefor:

*Department
continued*

2. The department of the public service known as the Department of Financial and Commercial Affairs is continued under the name of the Ministry of Consumer and Commercial Relations.

*s. 11 (1),
amended*

(4) Subsection 1 of section 11 of the said Act is amended by striking out “Financial and Commercial Affairs Advisory Committee” in the second and third lines and inserting in lieu thereof “Consumer and Commercial Relations Advisory Committee”.

*Amendment
of references
to Financial
and
Commercial
Affairs*

(5) A reference in any Act or regulation to the Minister or Deputy Minister of Financial and Commercial Affairs, the Department of Financial and Commercial Affairs or *The Department of Financial and Commercial Affairs Act* shall be deemed to be a reference to the Minister or Deputy Minister of Consumer and Commercial Relations, the Ministry of Consumer and Commercial Relations or *The Ministry of Consumer and Commercial Relations Act*, respectively.

*Assignment
of Book
Debts Act,
s. 1,
amended*

24.—(1) Section 1 of *The Assignment of Book Debts Act*, being chapter 33 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(da) “branch office” means a branch office established under Part IV of *The Personal Property Security Act*; R.S.O. 1970, c. 344

(db) “branch registrar” means a branch registrar for a branch office under *The Personal Property Security Act*.

(2) Paragraph 3 of subsection 1 of section 4 of the said Act is amended by striking out “office of the clerk of the county court” in the third line and inserting in lieu thereof “branch office”. s. 4 (1), par. 3, amended

(3) Section 7 of the said Act is amended by striking out “clerk of the county or district court” in the third and fourth lines and inserting in lieu thereof “branch registrar”. s. 7, amended

(4) Clause *a* of section 21 of the said Act is amended by striking out “the clerks of the county and district courts” in the first and second lines and inserting in lieu thereof “branch registrars”. s. 21 (a), amended

25. Clause *e* of section 1 of *The Bailiffs Act*, being chapter 38 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Bailiffs Act, s. 1 (e), re-enacted

(e) “Minister” means the Minister of Consumer and Commercial Relations.

26.—(1) Section 1 of *The Bills of Sale Act*, being chapter 44 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: Bills of Sale Act, s. 1, amended

(ab) “branch registrar” means the branch registrar for a branch office established under Part IV of *The Personal Property Security Act*. R.S.O. 1970, c. 344

(2) The said Act is amended by striking out “clerk” and “clerk of the county or district court” wherever they occur and inserting in lieu thereof in each instance “branch registrar”. Act, amended

(3) Subsection 1 of section 14 of the said Act is amended by striking out “and the seal of the court” in the fourth line. s. 14 (1), amended

27.—(1) Section 1 of *The Bills of Sale and Chattel Mortgages Act*, being chapter 45 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: Bills of Sale and Chattel Mortgages Act, s. 1, amended

(ab) “branch registrar” means the branch registrar of a branch office established under Part IV of *The Personal Property Security Act*. R.S.O. 1970, c. 344

Act,
amended

(2) The said Act is amended by striking out “clerk” and “clerk of the county or district court” wherever they occur and inserting in lieu thereof in each instance “branch registrar”.

s. 23,
amended

(3) Section 23 of the said Act is amended by striking out “and under the seal of the court” in the eighth line.

s. 26,
amended

(4) Section 26 of the said Act is amended by striking out “and the seal of the court” in the eighth and ninth lines.

s. 32,
amended

(5) Section 32 of the said Act is amended by striking out “and under the seal of the court” in the third and fourth lines.

*Boilers and
Pressure
Vessels Act*,
s. 1, par. 15,
re-enacted

28. Paragraph 15 of section 1 of *The Boilers and Pressure Vessels Act*, being chapter 47 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

15. “Minister” means the Minister of Consumer and Commercial Relations.

*Boundaries
Act*,
s. 2,
re-enacted

29. Section 2 of *The Boundaries Act*, being chapter 48 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Administra-
tion

2. The Minister of Consumer and Commercial Relations is responsible for the administration of this Act.

*Business
Corporations
Act*,
s. 1 (1), par. 18,
re-enacted

30. Paragraph 18 of subsection 1 of section 1 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

18. “Minister” means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned.

*Cemeteries
Act*,
s. 1 (e),
repealed

31.—(1) Clause *e* of section 1 of *The Cemeteries Act*, being chapter 57 of the Revised Statutes of Ontario, 1970, is repealed.

s. 1 (i),
re-enacted

(2) Clause *i* of the said section 1 is repealed and the following substituted therefor:

(i) “Minister” means the Minister of Consumer and Commercial Relations;

(ia) “Ministry” means the Ministry of Consumer and Commercial Relations.

32. Section 2 of *The Certification of Titles Act*, being chapter 59 of the Revised Statutes of Ontario, 1970, is repealed Certification of Titles Act, s. 2, re-enacted and the following substituted therefor:

2. The Minister of Consumer and Commercial Relations is responsible for the administration of this Act. Administration of Act

33.—(1) Clause *c* of section 1 of *The Collection Agencies Act*, being chapter 71 of the Revised Statutes of Ontario, 1970, is repealed. Collection Agencies Act, s. 1(c), repealed

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: s. 1(e), re-enacted

- (*e*) “Minister” means the Minister of Consumer and Commercial Relations;
- (*ea*) “Ministry” means the Ministry of Consumer and Commercial Relations.

34.—(1) Section 1 of *The Conditional Sales Act*, being chapter 76 of the Revised Statutes of Ontario, 1970, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: Conditional Sales Act, s. 1, amended

- (*a*) “branch registrar” means the branch registrar for a branch office established under Part IV of *The Personal Property Security Act*. R.S.O. 1970, c. 344

(2) The said Act is amended by striking out “clerk”, “clerk of a county or district court”, “clerk of the county or district court” and “clerk of the court” wherever they occur and inserting in lieu thereof in each instance “branch registrar”. Act, amended

35.—(1) Clauses *f* and *g* of section 1 of *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: Consumer Protection Act, s. 1(f), re-enacted; s. 1(g), repealed

- (*f*) “Director” means the Director of the Consumer Protection Division of the Ministry of Consumer and Commercial Relations.

(2) Clause *l* of the said section 1 is repealed and the following substituted therefor: s. 1(l), re-enacted

- (*l*) “Minister” means the Minister of Consumer and Commercial Relations;
- (*la*) “Ministry” means the Ministry of Consumer and Commercial Relations.

Consumer Protection Bureau Act, s. 1 (1), amended

36. Subsection 1 of section 1 of *The Consumer Protection Bureau Act*, being chapter 83 of the Revised Statutes of Ontario, 1970, is amended by striking out "Department of Financial and Commercial Affairs" in the first and second lines and inserting in lieu thereof "Ministry of Consumer and Commercial Relations".

Corporations Information Act, 1971, s. 1 (f), re-enacted

37. Clause *f* of section 1 of *The Corporations Information Act*, 1971, being chapter 27, is repealed and the following substituted therefor:

(*f*) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned.

Credit Unions Act, s. 1 (g), re-enacted

38. Clause *g* of section 1 of *The Credit Unions Act*, being chapter 96 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*g*) "Minister" means the Minister of Consumer and Commercial Relations.

Elevators and Lifts Act, s. 1 (d), repealed

39.—(1) Clause *d* of section 1 of *The Elevators and Lifts Act*, being chapter 143 of the Revised Statutes of Ontario, 1970, is repealed.

s. 1 (q), re-enacted

(2) Clause *q* of the said section 1 is repealed and the following substituted therefor:

(*q*) "Minister" means the Minister of Consumer and Commercial Relations;

(*qa*) "Ministry" means the Ministry of Consumer and Commercial Relations.

Energy Act, 1971, s. 1 (c), re-enacted; s. 1 (d), repealed

40.—(1) Clauses *c* and *d* of section 1 of *The Energy Act*, 1971, being chapter 44, are repealed and the following substituted therefor:

(*c*) "Deputy Minister" means the Deputy Minister of Consumer and Commercial Relations.

s. 1 (j), re-enacted

(2) Clause *j* of the said section 1 is repealed and the following substituted therefor:

(*j*) "Minister" means the Minister of Consumer and Commercial Relations;

(*ja*) "Ministry" means the Ministry of Consumer and Commercial Relations.

41.—(1) Clause *j* of subsection 1 of section 1 of *The Gasoline Handling Act*, being chapter 189 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(j) “Minister” means the Minister of Consumer and Commercial Relations.

(2) Subsection 2 of the said section 1, as enacted by the Statutes of Ontario, 1971, chapter 50, section 43, is amended by striking out “Department of Labour” in the first and second lines and inserting in lieu thereof “Ministry of Consumer and Commercial Relations”.

42.—(1) Paragraph 39 of section 1 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

39. “Minister” means the Minister of Consumer and Commercial Relations.

(2) Subsection 5 of section 295 of the said Act is amended by striking out “Provincial Secretary” in the twelfth line and inserting in lieu thereof “Minister”.

(3) Subsection 4 of section 299 of the said Act is amended by striking out “Provincial Secretary” in the second line and inserting in lieu thereof “Minister”.

43.—(1) Section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(ca) “Minister” means the Minister of Consumer and Commercial Relations.

(2) The said Act is amended by striking out “Minister of Justice and Attorney General” wherever it occurs and inserting in lieu thereof in each instance “Minister”.

(3) Clause *b* of subsection 2 of section 76 of the said Act is amended by striking out “Department of” in the second line.

(4) Subsection 2 of section 79 of the said Act is amended by striking out “Department of” in the first line.

(5) Subsections 1, 2 and 3 of section 181 of the said Act are repealed and the following substituted therefor:

s. 181 (1),
re-enacted;
s. 181, (2, 3),
repealed

Deletion
from
register of
reservations,
etc., in
letters patent

(1) Upon receiving a certificate of the Minister of Natural Resources or the Deputy Minister of Natural Resources,

- (a) that a reservation of any class or kind of tree in letters patent to registered land is void;
- (b) that a reservation of mines or minerals in letters patent to registered land issued before the 6th day of May, 1913, is void; or
- (c) that a condition, proviso or reservation in letters patent to registered land, other than a reservation of any class or kind of tree or of mines or minerals is void,

the proper master of titles shall delete the reservation, condition or proviso from the register without application therefor.

s. 182 (c),
amended

(6) Clause *c* of section 182 of the said Act is amended by striking out "Department of" in the second line.

*Marriage
Act,*
s. 1 (c),
re-enacted

~~44.~~(1) Clause *c* of section 1 of *The Marriage Act*, being chapter 261 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(c) "Deputy Minister" means the Deputy Minister of Consumer and Commercial Relations.

s. 1,
amended

(2) The said section 1 is amended by adding thereto the following clause:

(ga) "Minister" means the Minister of Consumer and Commercial Relations.

s. 1 (i),
repealed

(3) Clause *i* of the said section 1 is repealed.

ss. 2, 3,
re-enacted

(4) Sections 2 and 3 of the said Act are repealed and the following substituted therefor:

Administra-
tion

2. The administration of this Act is under the direction of the Minister.

Delegation
by Minister

3. With the consent of the Minister, the Deputy Minister may have, use and exercise any power, right or authority conferred by this Act on the Minister.

Act,
amended

(5) The said Act is amended by striking out "Provincial Secretary" and "Deputy Provincial Secretary" wherever they occur and inserting in lieu thereof in each instance "Minister" or "Deputy Minister", respectively.

45.—(1) Clause *aa* of section 1 of *The Mortgage Brokers Act*, being chapter 278 of the Revised Statutes of Ontario, 1970, as relettered by the Statutes of Ontario, 1971, chapter 50, section 59, is repealed. ^{*Mortgage Brokers Act*, s. 1 (aa), repealed}

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (c), re-enacted}

(c) “Minister” means the Minister of Consumer and Commercial Relations.

(3) Subsection 1 of section 29 of the said Act is amended by striking out “Department” in the fifth and sixth lines and inserting in lieu thereof “Ministry of Consumer and Commercial Relations”. ^{s. 29 (1), amended}

46.—(1) Clause *a* of section 1 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, is repealed. ^{*Motor Vehicle Accident Claims Act*, s. 1 (a), repealed}

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (f), re-enacted}

(f) “Minister” means the Minister of Consumer and Commercial Relations;

(fa) “Ministry” means the Ministry of Consumer and Commercial Relations.

47.—(1) Clause *aa* of section 1 of *The Motor Vehicle Dealers Act*, being chapter 475 of the Revised Statutes of Ontario, 1970, as relettered by the Statutes of Ontario, 1971, chapter 50, section 85, is repealed. ^{*Motor Vehicle Dealers Act*, s. 1 (aa), repealed}

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: ^{s. 1 (c), re-enacted}

(c) “Minister” means the Minister of Consumer and Commercial Relations.

(3) Subsection 1 of section 31 of the said Act is amended by striking out “Department” in the fifth and sixth lines and inserting in lieu thereof “Ministry of Consumer and Commercial Relations”. ^{s. 31 (1), amended}

48.—(1) Clause *h* of section 1 of *The Ontario Deposit Insurance Corporation Act*, being chapter 307 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{*Ontario Deposit Insurance Corporation Act*, s. 1 (h), re-enacted}

(h) “Minister” means the Minister of Consumer and Commercial Relations.

s. 4(1),
re-enacted

(2) Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:

Board of
directors

- (1) The Board shall consist of the person appointed as the Chairman and the persons who for the time being hold, respectively, the offices of the Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs, the Comptroller of Finance, the Deputy Minister of Consumer and Commercial Relations, and the Registrar, and such other persons as may be appointed by the Lieutenant Governor in Council.

*Operating
Engineers
Act,
s. 1, par. 12,
re-enacted*

49. Paragraph 12 of section 1 of *The Operating Engineers Act*, being chapter 333 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

12. "Minister" means the Minister of Consumer and Commercial Relations.

*Paperback
and
Periodical
Distributors
Act, 1971,
s. 1 (1) (f),
re-enacted*

50. Clause *f* of subsection 1 of section 1 of *The Paperback and Periodical Distributors Act, 1971*, being chapter 82, is repealed and the following substituted therefor:

- (*f*) "Minister" means the Minister of Consumer and Commercial Relations.

*Partnerships
Registration
Act,
s. 17 (2),
amended*

51. Subsection 2 of section 17 of *The Partnerships Registration Act*, being chapter 340 of the Revised Statutes of Ontario, 1970, is amended by striking out "and shall act under the direction of the Inspector of Legal Offices" in the third and fourth lines.

*Personal
Property
Security
Act,
s. 42 (2),
amended*

52. Subsection 2 of section 42 of *The Personal Property Security Act*, being chapter 344 of the Revised Statutes of Ontario, 1970, is amended by striking out "Inspector of Legal Offices" in the second line and inserting in lieu thereof "Director of Land Registration appointed under *The Registry Act*".

R.S.O. 1970,
c. 409

*Real Estate
and Business
Brokers Act,
s. 1 (c),
repealed*

53.—(1) Clause *c* of section 1 of *The Real Estate and Business Brokers Act*, being chapter 401 of the Revised Statutes of Ontario, 1970, is repealed.

s. 1 (e),
re-enacted

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

- (*e*) "Minister" means the Minister of Consumer and Commercial Relations.

(3) Subsection 1 of section 61 of the said Act is amended by ^{s. 61 (1), amended} striking out "Department" in the fifth and sixth lines and inserting in lieu thereof "Ministry of Consumer and Commercial Relations".

54.—(1) Clause *g* of section 1 of *The Registry Act*, being ^{Registry Act, s. 1, (g),} chapter 409 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(g) "Minister" means the Minister of Consumer and Commercial Relations.

(2) Section 2 of the said Act is repealed and the following ^{s. 2, re-enacted} substituted therefor:

2. The Minister of Consumer and Commercial Relations ^{Minister responsible} is responsible for the administration of this Act.

55. Paragraph 10 of subsection 1 of section 1 of *The Securities Act*, being chapter 426 of the Revised Statutes of ^{s. 1 (1), par. 10, re-enacted} Ontario, 1970, is repealed and the following substituted therefor:

10. "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned.

56. Clause *g* of section 1 of *The Theatres Act*, being chapter ^{Theatres Act, s. 1 (g),} 459 of the Revised Statutes of Ontario, 1970, is repealed and ^{re-enacted} the following substituted therefor:

(g) "Minister" means the Minister of Consumer and Commercial Relations.

57. Clause *d* of subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act*, being chapter 474 of the Revised ^{Upholstered and Stuffed Articles Act, s. 1 (1) (d), re-enacted} Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(d) "Minister" means the Minister of Consumer and Commercial Relations.

58. Subsections 5 and 6 of section 3 of *The Vital Statistics Act*, being chapter 483 of the Revised Statutes of Ontario, ^{Vital Statistics Act, s. 3 (5), re-enacted; s. 3, (6), repealed} 1970, are repealed and the following substituted therefor:

(5) The Registrar General shall, after the close of each calendar year, submit to the Lieutenant Governor in Council a report as to the number of births, marriages, deaths, still-births, adoptions, divorces ^{Annual report}

and changes of names registered during the preceding calendar year and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

PART VIII

MINISTRY OF CORRECTIONAL SERVICES

*Department
of
Correctional
Services Act,
title,
re-enacted*

59.—(1) The title to *The Department of Correctional Services Act*, being chapter 110 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Correctional Services Act

*s. 2 (1),
re-enacted*

(2) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

*Department
continued
as Ministry*

(1) The department of the public service known as the Department of Correctional Services is continued under the name of the Ministry of Correctional Services.

*Probation
Act,
s. 1 (2),
amended*

60. Subsection 2 of section 1 of *The Probation Act*, being chapter 364 of the Revised Statutes of Ontario, 1970, is amended by striking out "Minister of Justice and Attorney General" in the fourth and fifth lines and inserting in lieu thereof "Minister of Correctional Services".

PART IX

MINISTRY OF EDUCATION

*Department
of Education
Act, title,
re-enacted*

61.—(1) The title to *The Department of Education Act*, being chapter 111 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Education Act

*s. 1 (b, c),
re-enacted*

(2) Clauses *b* and *c* of section 1 of the said Act are repealed and the following substituted therefor:

(b) "Minister" means the Minister of Education;

(c) "Ministry" means the Ministry of Education.

*s. 2 (1),
re-enacted*

(3) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

*Department
continued*

(1) The department of the public service known as the Department of Education is continued under the name of the Ministry of Education.

(4) Section 4 of the said Act is repealed and the following ^{s. 4.} ^{re-enacted} substituted therefor:

4. The Minister shall, after the close of each calendar ^{Annual} ^{report} year, submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(5) Subsection 4 of section 12 of the said Act, as amended ^{s. 12 (4),} ^{repealed} by the Statutes of Ontario, 1971, chapter 89, section 3, is repealed.

(6) Subsection 5 of the said section 12, as re-enacted ^{s. 12 (5),} ^{repealed} by the Statutes of Ontario, 1971, chapter 89, section 3, is repealed.

(7) A reference in any Act or regulation to *The Department of Education Act* shall be deemed to be a reference to *The Ministry of Education Act*. ^{Amendment} ^{of references} ^{to Department} ^{of Education} ^{Act}

62. Subsection 2 of section 1 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, is further amended by striking out paragraph 9 and by adding thereto the following paragraph: ^{Schools} ^{Administration} ^{Act,} ^{s. 1 (2),} ^{amended}

14a. "Ministry" means the Ministry of Education.

63.—(1) Subsection 8 of section 27 of *The Secondary Schools and Boards of Education Act*, being chapter 425 of the Revised Statutes of Ontario, 1970, is amended by striking out "Department of Municipal Affairs" in the twelfth line and inserting in lieu thereof "Minister". ^{Secondary} ^{Schools and} ^{Boards of} ^{Education} ^{Act,} ^{s. 27 (8),} ^{amended}

(2) Subclause i of clause *d* of subsection 1 of section 31 of the said Act is amended by striking out "Department of Municipal Affairs" in the sixth line and inserting in lieu thereof "Minister". ^{s. 31 (1) (d) (i),} ^{amended}

(3) Subclause ii of clause *d* of subsection 1 of the said section 31 is amended by striking out "Department of Municipal Affairs" in the seventh line and inserting in lieu thereof "Minister". ^{s. 31 (1) (d) (ii),} ^{amended}

(4) Clause *b* of subsection 1 of section 32 of the said Act is amended by striking out "Department of Municipal Affairs" in the third line and inserting in lieu thereof "Minister". ^{s. 32 (1) (b),} ^{amended}

(5) Clause *a* of subsection 1 of section 38 of the said Act is amended by striking out "Department of Municipal". ^{s. 38 (1) (a),} ^{amended}

Affairs" in the fifth line and inserting in lieu thereof "Minister".

s. 38 (9) (b),
amended

(6) Clause *b* of subsection 9 of the said section 38 is amended by striking out "Department of Municipal Affairs" in the eighth line and inserting in lieu thereof "Minister".

s. 38 (9) (c),
amended

(7) Clause *c* of subsection 9 of the said section 38 is amended by striking out "Department of Municipal Affairs" in the seventh and eighth lines and inserting in lieu thereof "Minister".

s. 38 (11),
amended

(8) Subsection 11 of the said section 38 is amended by striking out "Department of Municipal Affairs" in the seventh line and inserting in lieu thereof "Minister".

s. 38 (16),
amended

(9) Subsection 16 of the said section 38 is amended by striking out "Department of Municipal Affairs" in the seventh line and inserting in lieu thereof "Minister".

*Separate
Schools Act*,
s. 17 (b, c),
re-enacted

64.—(1) Clauses *b* and *c* of section 17 of *The Separate Schools Act*, being chapter 430 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(b) "Minister" means the Minister of Education;

(c) "Ministry" means the Ministry of Education.

s. 90 (1) (a),
amended

(2) Clause *a* of subsection 1 of section 90 of the said Act is amended by striking out "Department of Municipal Affairs" in the fifth line and inserting in lieu thereof "Minister".

*Teachers'
Super-
annuation
Act*,
s. 1,
amended

65.—(1) Section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Sess.), chapter 9, section 1, is further amended by striking out clause *d* and by adding thereto the following clause:

(ga) "Ministry" means the Ministry of Education.

s. 1 (i),
re-enacted

(2) Clause *i* of the said section 1 is repealed and the following substituted therefor:

(i) "Treasurer" means the Treasurer of Ontario.

*Teaching
Profession
Act*,
s. 1,
amended

66. Section 1 of *The Teaching Profession Act*, being chapter 456 of the Revised Statutes of Ontario, 1970, is amended by striking out clause *c* and by adding thereto the following clause:

(ga) "Ministry" means the Ministry of Education.

PART X

MINISTRY OF THE ENVIRONMENT

67.—(1) The title to *The Department of the Environment Act*, being chapter 112 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 63, section 1, is repealed and the following substituted therefor:

Department of the Environment Act, title, re-enacted

The Ministry of the Environment Act

(2) Section 1 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 63, section 2, is repealed and the following substituted therefor:

s. 1, re-enacted

1. In this Act,

Interpretation

(a) “Minister” means the Minister of the Environment;

(b) “Ministry” means the Ministry of the Environment.

(3) Subsection 1 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 63, section 3, is repealed and the following substituted therefor:

s. 2(1), re-enacted

(1) The department of the public service known as the Department of the Environment is continued under the name of the Ministry of the Environment.

Department continued

(4) The said Act is amended by adding thereto the following section:

s. 5a, enacted

5a. Any reference to the Minister of Energy and Resources Management in any Act or regulation shall be deemed to be a reference to the Minister of the Environment and any reference to the Department of Energy and Resources Management or the Department of the Environment in any Act or regulation shall be deemed to be a reference to the Ministry of the Environment.

Reference to Minister or Department in other Acts

Department of Energy and Resources Management

68. Section 4 of *The Department of Energy and Resources Management Amendment Act, 1971*, being chapter 63, is repealed.

Amendment Act, 1971, s. 4, repealed

69.—(1) Clause *b* of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, is repealed and the following substituted therefor:

Environmental Protection Act, 1971, s. 1(b), re-enacted

(b) "Board" means the Environmental Appeal Board.

s. 28 (e),
amended

(2) Clause *e* of section 28 of the said Act is amended by inserting after "upon" in the second line "into, in or through".

s. 48,
amended

(3) Section 48 of the said Act is amended by adding thereto the following subsection:

Waste
disposal
in wells
1971, c. 94

(7) An approval of the disposal of waste or mineral water as waste in an underground formation given or made under *The Petroleum Resources Act, 1971*, or any predecessor thereof, or the regulations thereunder shall be deemed to be a certificate of approval under this Part and shall continue in force according to its terms, and the Director may amend or revoke the approval in accordance with this Act and the regulations thereunder.

s. 77 (1),
amended

(4) Subsection 1 of section 77 of the said Act is amended by striking out "A board to be known as the Pollution Control Appeal Board is hereby established" in the first and second lines and inserting in lieu thereof "The Board known as the Pollution Control Appeal Board is continued as the Environmental Appeal Board".

s. 77,
amended

(5) The said section 77 is amended by adding thereto the following subsections:

One member
may conduct
hearing

(5) The chairman may authorize one member of the Board to conduct a hearing by the Board and such member has all the powers of the Board for the purpose of such hearing.

Report

(6) The report of such member may be adopted as the decision of the Board by two other members of the Board, one of whom shall be the chairman or vice-chairman, or may be otherwise dealt with as the Board considers proper.

Appointment
of staff
R.S.O. 1970,
c. 386

(7) Such employees as are required for the purposes of the Board may be appointed under *The Public Service Act*.

Ontario
Water
Resources
Commission
Act,
title,
re-enacted

70.—(1) The title to *The Ontario Water Resources Commission Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ontario Water Resources Act

(2) Except in clauses *b* and *c* of section 1 and sections 4 and 27, the said Act is amended by striking out “Commission”^{“Commission”} wherever it occurs and inserting in lieu thereof in each instance “Minister”, and by striking out “it” and “its” where they occur in relation thereto and inserting in lieu thereof in each instance “he” or “his”, as the case may be.^{changed to “Minister”}

(3) The said Act is amended by striking out “Commission”^{Where} where it occurs as set out in the following Table and inserting^{“Commission”} in lieu thereof in each instance “Crown”.^{changed to “Crown”}

Table

ITEM	SECTION	LINE
1	1 (g)	8 (first instance)
2	5	3
3	18	2
4	20 (1)	10
5	22	2
6	23 (1)	4
7	23 (1)	5
8	23 (1)	10
9	51 (3)	8
10	52 (2) (c)	2
11	52 (3)	3
12	52 (3)	4
13	52 (4)	4
14	52 (5)	2
15	52 (6)	3
16	52 (7)	2
17	53 (1)	2
18	53 (1) par. 1 (b)	1
19	54 (1)	2
20	54 (3)	2
21	56 (1)	5
22	58 (3)	8
23	60	2
24	61 (9)	2
25	73	9
26	78	6

(4) The said Act is amended by striking out “Commission”^{Where} where it occurs in each section set out in the following Table^{“Commission”} and inserting in lieu thereof in each instance “Executive Director,^{changed to “Executive} Director, Water Supply and Pollution Control, of the Ministry”,^{Director, Water Supply and Pollution Control”} and by striking out “it” and “its” where they occur in relation thereto and inserting in lieu thereof in each instance “he” or “his”, as the case may be.

Table

ITEM	SECTION
1	33 (1)
2	34 (1)
3	34 (2)
4	41 (1)
5	41 (3)
6	41 (4)
7	41 (5)
8	41 (6)
9	41 (7)
10	41 (8)
11	42 (1)
12	42 (3)
13	42 (4)
14	42 (5)
15	43 (1)
16	43 (3)
17	43 (4)
18	43 (5)
19	43 (11)
20	43 (12)
21	44 (1)
22	44 (3)
23	44 (4)
24	44 (5)
25	45
26	49
27	50 (1)
28	50 (2)
29	51 (1)
30	62 (1) (g)
31	62 (1) (n)
32	69 (1)
33	69 (2)
34	70 (1)

Where
"Commission"
changed to
"Executive
Director,
Water
Resources"

(5) The said Act is amended by striking out "Commission" where it occurs in each section set out in the following Table and inserting in lieu thereof in each instance "Executive Director, Water Resources, of the Ministry" and by striking out "it" and "its" where they occur in relation thereto and inserting in lieu thereof in each instance "he" or "his", as the case may be.

Table

ITEM	SECTION
1	37 (3)
2	37 (4)
3	37 (6)
4	37 (7)
5	37 (8)
6	38 (1)
7	38 (3)
8	38 (4)
9	39 (1)
10	39 (2)
11	39 (3)
12	40 (1)
13	40 (2)
14	40 (4)
15	40 (5)
16	62 (1) (<i>q</i>)

(6) The said Act is amended by striking out the names ^{Account names} changed "Ontario Water Resources Commission Debt Retirement Account", "Commission Debt Retirement Account", "Ontario Water Resources Commission Reserve Account" and "Commission Reserve Account" wherever they occur and substituting therefor "Ontario Water Resources Debt Retirement Account", "Debt Retirement Account", "Ontario Water Resources Reserve Account" and "Reserve Account", respectively.

(7) Section 1 of the said Act is amended by adding ^{s. 1,} amended thereto the following clause:

(*ca*) "Crown" means Her Majesty the Queen in right of Ontario.

(8) Clauses *d* and *e* of the said section 1 are repealed. ^{s. 1 (*d, e*),} repealed

(9) The said section 1 is amended by adding thereto the ^{s. 1,} amended following clauses:

(*ia*) "Debt Retirement Account" means the Ontario Water Resources Debt Retirement Account;

(*ib*) "Hearing Board" means the Environmental Hearing Board.

(10) Clause *k* of the said section 1 is repealed and the ^{s. 1 (*k*),} re-enacted following substituted therefor:

(k) "Minister" means the Minister of the Environment;

(ka) "Ministry" means the Ministry of the Environment.

s. 1,
amended

(11) The said section 1 is amended by adding thereto the following clause:

(oa) "Reserve Account" means the Ontario Water Resources Reserve Account.

ss. 2, 3,
re-enacted

(12) Sections 2 and 3 of the said Act are repealed and the following substituted therefor:

Administra-
tion

2. The Minister of the Environment is responsible for the administration of this Act.

Corporation
dissolved

3.—(1) The Ontario Water Resources Commission is dissolved.

Enforcement
of contracts,
etc.

(2) Every contract, negotiable instrument, agreement, security and covenant, and every conveyance, transfer or instrument with respect to any property or any interest therein, given to or received by or for the benefit of the Ontario Water Resources Commission or to which the Ontario Water Resources Commission is a party immediately before this section comes into force,

(a) shall enure to the benefit of and be binding upon the Crown; and

(b) may be enforced in accordance with the terms thereof as if received by or for the benefit of or entered into with the Crown,

and every reference therein to the Ontario Water Resources Commission shall be deemed to be a reference to the Crown, and the Minister, except with respect to rates under agreements made under subsection 1a of section 17 and subsection 3 of section 52, may exercise every power, right, privilege and discretion therein or with respect thereto that the Commission could have exercised.

Transfer of
assets, etc.

(3) All assets and liabilities of the Ontario Water Resources Commission vest in and are binding upon the Crown.

- (4) A reference in any direction, order, report, approval, notice, permit, licence or document made, given or issued under this Act before this section comes into force shall be deemed to be a reference to the Assistant Deputy Minister, Water Management, Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry, in whom the power to make, give or issue such direction, order, report, approval, notice, permit, licence or document is vested under this Act and who is hereby empowered to exercise any power, right or discretion in any such direction, order, report, approval, notice, permit, licence or document made, given or issued before this section comes into force. ^{Amendment of reference to Ontario Water Resources Commission}
- (5) A reference to the Commission in Regulation 644 or Regulation 647 of the Revised Regulations of Ontario, 1970 shall be deemed to be a reference to the Executive Director, Water Supply and Pollution Control, of the Ministry. ^{Reference in regulations}
- (6) A reference in any other Act or in any regulation or document made or issued under or pursuant to any other Act to the Ontario Water Resources Commission shall be deemed to be a reference to the Minister. ^{Reference in other Acts}
- (7) A reference to the Ontario Water Resources Commission in any action or proceeding that is commenced before this section comes into force shall be deemed to be a reference to the Crown and the Minister may exercise any right, power, privilege or discretion with respect to the action or proceeding that the Commission could have exercised. ^{Actions or proceedings}
- (8) Every power, right, privilege and discretion with respect to rates under agreements made under subsection 1a of section 17 and subsection 3 of section 52 may be exercised by the Assistant Deputy Minister, Water Management, of the Ministry. ^{Rates}
- (9) Any action taken or notice given or hearing held by the Commission immediately before this section comes into force with respect to any licence, permit, notice, direction, order, report or approval shall be deemed to have been taken, given or held by the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources or the Assistant Deputy Minister, Water Management, of the Ministry, in whom the power to make, issue or give such licence, permit, notice, direction, order, report or approval is vested under this Act. ^{Idem}

s. 9,
re-enacted

(13) Section 9 of the said Act is repealed and the following substituted therefor:

Delegation
of authority

9. Where under this Act any power, duty or authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power, duty or authority to the Deputy Minister or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Environ-
mental
Hearing
Board
established

- 9a.—(1) A board to be known as the Environmental Hearing Board is established and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time may determine.

Appointment
of members
and
designation
of chairman
and vice-
chairman

- (2) The Lieutenant Governor in Council shall,
- (a) appoint the members of the Hearing Board, none of whom shall be members of the public service in the employ of the Ministry; and
- (b) designate one of the members as chairman and another member as vice-chairman.

Where
chairman
absent

- (3) In the case of the absence or inability of the chairman to act or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman and, in the absence of the chairman and vice-chairman from any meeting of the Hearing Board, the other members shall appoint an acting chairman who shall act as and have all the powers of the chairman.

Term of
office

- (4) Members of the Hearing Board shall hold office during pleasure.

Quorum

- (5) Three members of the Hearing Board constitute a quorum.

Appointment
of staff
R.S.O. 1970,
c. 386

- (6) Such employees as are required for the purposes of the Hearing Board may be appointed under *The Public Service Act*.

Remunera-
tion

- (7) The members of the Hearing Board shall be paid such remuneration as the Lieutenant Governor in Council may determine.

- (8) The powers of the Hearing Board shall be exercised by resolution. Execution of powers
- (9) The Hearing Board may pass resolutions governing the proceedings and the calling of meetings and hearings of the Hearing Board, specifying the powers and duties of employees of the Hearing Board and generally dealing with the carrying out of its function. Resolutions
- (10) Where the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control, or the Executive Director, Water Resources, of the Ministry is required or permitted to hold a hearing or considers a hearing necessary or advisable under this Act, he may by a notice in writing and on such terms and conditions as he may direct, require the Hearing Board to hold the hearing. When Hearing Board to hold hearing
- (11) Upon receipt of notice from the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control, or the Executive Director, Water Resources, of the Ministry, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control, or the Executive Director, Water Resources, of the Ministry, as the case may be. When Hearing Board to hold public hearing
- (12) The report of the Hearing Board shall contain a summary of the information presented and the views expressed at the hearing and its opinion on the merits of the subject-matter of the hearing in light of such information and views together with its reasons therefor. Contents of report
- (13) The chairman may authorize one or more members of the Hearing Board to conduct a hearing and, except where a quorum of the Hearing Board conducts the hearing, to report to the Hearing Board and such member or members shall have all the powers of the Hearing Board for the purposes of the hearing. One or more members may conduct hearing
- (14) On the direction in writing of the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry, where the Commission, immediately before this section comes into force, proposed to hold or commenced but did not complete a hearing, the hearing shall be held or continued by the Hearing Board and any Hearings commenced by Commission

action or notice taken or given by the Commission shall be deemed to have been taken or given by the Hearing Board.

Inspection

- (15) For purposes relevant to the subject-matter of a public hearing, the Hearing Board and its employees may enter and inspect any land or premises at any reasonable time.

ss. 11-13,
re-enacted

- (14) Sections 11, 12 and 13 of the said Act are repealed and the following substituted therefor:

Super-
annuation
benefits
R.S.O. 1970,
c. 387

- 11.—(1) Except as provided in subsection 2, *The Public Service Superannuation Act* applies to the officers, clerks and servants of the Ministry who were members of the permanent or full-time probationary staff of the Commission immediately before this section comes into force.

Idem

- (2) An employee of the Crown who was a member or who was entitled to become a member of The Ontario Municipal Employees Retirement System by reason of his employment with the Commission immediately before this section comes into force shall continue to be a member or to be entitled to become a member, as the case may be, and the Crown shall assume in respect of such employee all the rights and obligations of the Commission under *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,
c. 324

Security by
officers

12. Every employee of the Ministry who is entrusted by the Minister with the custody or control of money or securities shall give security in the manner and form provided by *The Public Officers Act*.

R.S.O. 1970,
c. 382

Fiscal
year

13. The fiscal year of the Ministry with respect to agreements with municipalities under sections 17 and 52 begins on the 1st day of January and ends on the 31st day of December of the same year.

s. 17 (1) (a, d),
repealed

- (15) Clauses *a* and *d* of subsection 1 of section 17 of the said Act are repealed.

s. 17,
amended

- (16) The said section 17 is amended by adding thereto the following subsections:

Idem

- (1a) Notwithstanding any other Act, the Crown, represented by the Minister, may make agreements with any one or more municipalities or persons with respect to a supply of water or the reception, treatment and disposal of sewage.

Power of
Executive
Director

- (1b) Notwithstanding any other Act, it is the function of the Executive Director, Water Supply and Pollution Control, of the Ministry and he has power to control

and regulate the collection, production, treatment, storage, transmission, distribution and use of water for public purposes and to make orders with respect thereto.

(17) Subsection 2 of the said section 17 is amended by ^{s. 17 (2), amended} striking out "clause *a* of subsection 1" in the second line and inserting in lieu thereof "subsection 1*b*".

(18) Section 18 of the said Act is amended by striking out ^{s. 18, amended} "clause *d* of subsection 1" in the second line and inserting in lieu thereof "subsection 1*a*".

(19) Subsection 1 of section 21 of the said Act is amended ^{s. 21 (1), amended} by striking out "The Commission may for its purposes" in the first line and inserting in lieu thereof "The Minister, for and on behalf of the Crown, may for the purposes of this Act".

(20) Section 24 of the said Act is amended by inserting ^{s. 24, amended} after "discretion" in the fourth line "and with the consent of the Treasurer of Ontario".

(21) Section 26 of the said Act is repealed and the ^{s. 26, re-enacted} following substituted therefor:

26. The functions of the Minister shall, without limiting ^{Functions, amended} the generality thereof, include, ^{what to include}

- (a) the acquisition, construction, operation and maintenance of projects and any renewals, betterments, enlargements, replacements and extensions thereof or additions thereto, providing in whole or in part for expenditures made or to be made in connection therewith by the Minister, including interest, engineering fees and other charges and expenses in connection with the construction of any project, or reimbursement for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings by the Minister for any such purposes;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any loan raised or debentures issued by the Commission before this section comes into force or by the Crown in respect of matters under this Act;
- (c) the repayment from time to time of the whole or any part of any advances made hereafter by the Province to the Minister or made to the Commission before this section comes into force or of any debentures of the Commission

issued and delivered to the Treasurer of Ontario in respect of such advances to the Commission; and

- (d) the payment of the whole or any part of any other obligation, liability or indebtedness of the Crown or the Minister incurred under this Act or of the Commission incurred before this section comes into force.

s. 32 (5),
amended

(22) Subsection 5 of section 32 of the said Act is amended by striking out "Department of Health or the Commission" in the fourth line and inserting in lieu thereof "former Department of Health, the Commission or the Executive Director, Water Supply and Pollution Control, of the Ministry".

s. 33 (1),
amended

(23) Subsection 1 of section 33 of the said Act is amended by striking out "with the approval of the Minister" in the first line and in the fifth and sixth lines.

s. 35,
repealed

(24) Section 35 of the said Act is repealed.

s. 36 (1),
re-enacted

(25) Subsection 1 of section 36 of the said Act is repealed and the following substituted therefor:

Area
defined for
protection
of public
water supply

(1) An area may be defined that includes a source of public water supply,

- (a) by the Executive Director, Water Supply and Pollution Control, of the Ministry, wherein no person shall swim or bathe; or
- (b) by the Executive Director, Water Supply and Pollution Control, of the Ministry, wherein no material of any kind that may impair the quality of water therein shall be placed, deposited, discharged or allowed to remain; or
- (c) by the Executive Director, Water Resources, of the Ministry, wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the appropriate Executive Director considers necessary for the protection of the source of public water supply.

(26) Subsection 2 of section 43 of the said Act is repealed. s. 43 (2),
repealed

(27) Subsection 2 of section 44 of the said Act is repealed. s. 44 (2),
repealed

(28) Section 48 of the said Act is amended by striking out s. 48,
amended "Department of Health or the Commission" in the second and third lines and "Department of Health or of the Commission, of the Minister of Health" in the fifth and sixth lines and inserting in lieu thereof "former Department of Health, the Commission or the Executive Director, Water Supply and Pollution Control, of the Ministry" and "former Department of Health, of the Commission, of the former Minister of Health or of the Executive Director, Water Supply and Pollution Control, of the Ministry", respectively.

(29) Subsection 3 of section 51 of the said Act is amended s. 51 (3),
amended by striking out "the Commission" in the third line and inserting in lieu thereof "and the time for taking an appeal has passed or there has been final disposition of an appeal by which the report is confirmed or altered, the Executive Director, Water Supply and Pollution Control, of the Ministry" and by inserting after "report" in the fifth line "or the report as confirmed or altered".

(30) Subsection 1 of section 53 of the said Act is repealed and s. 53 (1),
re-enacted the following substituted therefor:

(1) Every municipality that has entered into an agree- Payments by
municipali-
ties to
Minister
under
agreement ment with the Crown under section 52 shall pay to the Minister the following sums or, where such agreement is with more than one municipality, or where the project requires more than one agreement at least one of which is with a municipality, its share as adjusted by the Assistant Deputy Minister, Water Management, of the Ministry, of the following sums:

1. In each calendar year during the currency of such agreement, commencing with the calendar year in which occurs the date of completion of such project,

(a) the proportion payable by the municipality or municipalities party or parties to the project, as adjusted by the Assistant Deputy Minister, Water Management, of the total amount of interest and expenses of debt service that would be payable by the Commission in each such year if the Commission were not dissolved in respect of all borrowings of the Commission from time to time outstanding and

made by the Commission at any time before or after the making of such agreement for the purpose of meeting,

- (i) the cost or estimated cost of all projects, except projects under agreements referred to in subsection 2, or
- (ii) the cost or estimated cost of all projects referred to in subsection 2,

at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects, including the refunding or repayment in whole or in part of any such borrowings;

- (b) the total cost to the Crown in each such year of the operation, supervision, maintenance, repair, administration and insurance of such project; and
- (c) the total amount in each such year placed by the Minister to the credit of the reserve account referred to in subsection 1 of section 57 in respect of such project or an amount equal to $1\frac{1}{2}$ per cent of the cost of such project, whichever is less, and such additional amount as may be approved by the municipality or municipalities.

- 2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation to form at the expiry of such period of years a fund equal to the cost of such project.

s. 53 (2),
amended

(31) Subsection 2 of the said section 53 is amended by striking out "by the Commission" in the sixth and seventh lines.

(32) Subsection 3 of the said section 53 is amended by <sup>s. 53 (3),
amended</sup> striking out "Commission" in the first line and inserting in lieu thereof "Assistant Deputy Minister, Water Management, of the Ministry".

(33) Subsection 4 of the said section 53 is amended by <sup>s. 53 (4),
amended</sup> striking out "Commission" in the sixth line and inserting in lieu thereof "Crown and the Minister".

(34) Section 55 of the said Act is amended by striking out <sup>s. 55,
amended</sup> "clause *d* of subsection 1" in the second line and inserting in lieu thereof "subsection 1*a*".

(35) Subsection 1 of section 58 of the said Act is repealed <sup>s. 58 (1),
re-enacted</sup> and the following substituted therefor:

- (1) All moneys received by the Minister from all <sup>Debt
Retirement
Account</sup> municipalities under paragraph 2 of subsection 1 of section 53 shall be deposited by the Minister as a consolidated fund in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Debt Retirement Account" and may be applied by the Minister, with the consent of the Treasurer of Ontario,
 - (a) to the purchase or redemption before maturity of debentures of the Commission or to the repayment in whole or in part of any debentures issued by the Commission, of any advances made by the Province to the Commission, of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances or of any other obligation, liability or indebtedness of the Commission, where they or any of them are issued, advanced or incurred, as the case may be, before this section comes into force;
 - (b) to the purchase or redemption before maturity of debentures of the Crown issued in respect of matters under this Act, or to the repayment in whole or in part of any debentures issued by the Crown in respect of matters under this Act, of any advances made by the Province to the Minister in respect of matters under this Act, or of any other obligation, liability or indebtedness of the Minister or the Crown in respect of any matter under this Act,

provided always that the moneys paid by any municipality and deposited in the Debt Retirement Account in respect of any project shall be retained in the Debt Retirement Account and kept invested until the expiration of the period of years during which payments are required to be made by such municipality in respect of such project under paragraph 2 of subsection 1 of section 53.

s. 58 (3),
amended

(36) Subsection 3 of the said section 58 is amended by inserting after "section" in the seventh line "and with the consent of the Treasurer of Ontario".

s. 58 (5),
re-enacted

(37) Subsection 5 of the said section 58 is repealed and the following substituted therefor:

Discharge of
indebtedness
to Province

(5) Notwithstanding any other provision of this Act, the Minister may at any time, with the consent of the Treasurer of Ontario, pay any sum out of the Debt Retirement Account to the Province in payment or part payment of any sums owing to the Province,

(a) by the Commission; or

(b) after this section comes into force, with respect to any matter under this Act,

so long as the total amount so paid in any year does not exceed the total amount borrowed from the Province in respect of matters under this Act in that year.

s. 59 (7, 8),
re-enacted

(38) Subsections 7 and 8 of section 59 of the said Act are repealed and the following substituted therefor:

Powers

(7) The moneys in the Reserve Account and in the Debt Retirement Account may be invested, with the consent of the Treasurer of Ontario, in any manner permitted for the investment of the funds of the Minister under section 24 or in time-deposit accounts in any chartered bank of Canada in either Canadian or United States dollars, and the moneys in the Debt Retirement Account may also be invested in debentures of the Commission issued before this section comes into force, but, if any such moneys are used to purchase or redeem debentures issued by the Commission before the maturity thereof, the debentures so purchased or redeemed shall not be cancelled but shall be retained as investments and shall continue to bear interest until maturity.

- (8) Upon the written request of the Minister stating ^{Requisition of money} that a sum of money is required by the Minister for a purpose mentioned in section 57 or 58, the investment committee shall pay such sum to the Minister out of the Reserve Account or the Debt Retirement Account, as the case may be, and the receipt of the Minister for such moneys is sufficient discharge to the investment committee for such payment and the investment committee shall not be held responsible for the application of such moneys.

(39) The said section 59 is amended by adding thereto the ^{s. 59, amended} following subsection:

- (12) Notwithstanding anything in this section, the powers, ^{Investment committee} duties and determinations of the investment committee are subject to the supervision and direction of the Treasurer of Ontario.

(40) Subsection 2 of section 61 of the said Act is amended ^{s. 61 (2), amended} by striking out "with the approval of the Minister" in the fourth line.

(41) Subsection 5 of the said section 61 is amended by ^{s. 61 (5), amended} striking out "with the approval of the Minister" in the second line.

- (42) Subsection 6 of the said section 61 is repealed. ^{s. 61 (6), repealed}

(43) Subsection 7 of the said section 61 is amended by ^{s. 61 (7), amended} striking out "the secretary of" in the second line.

(44) Subsection 14 of the said section 61 is amended by ^{s. 61 (14), amended} striking out "Commission" in the twelfth line and inserting in lieu thereof "Minister and the Assistant Deputy Minister, Water Management, of the Ministry".

- (45) Except in, ^{s. 61, amended}

- (a) clause *c* of subsection 2 and subsections 11 and 12; and
- (b) the twelfth line of subsection 14,

the said section 61 is amended by striking out "Commission" wherever it occurs and inserting in lieu thereof in each instance "Assistant Deputy Minister, Water Management, of the Ministry".

s. 68,
amended

(46) Section 68 of the said Act is amended by striking out "Commission" in the third and fourth lines and inserting in lieu thereof "Ministry".

s. 69 (1),
amended

(47) Subsection 1 of section 69 of the said Act is amended by striking out "with the approval of the Minister" in the fifth and sixth lines.

ss. 6-8, 10,
14-16, 28,
29, 71,
repealed

(48) Sections 6, 7, 8, 10, 14, 15, 16, 28, 29 and 71 of the said Act are repealed.

s. 74,
amended

(49) Section 74 of the said Act is amended by striking out "Commission" in the third line and inserting in lieu thereof "Assistant Deputy Minister, Water Management, Executive Director, Water Supply and Pollution Control or Executive Director, Water Resources, of the Ministry".

ss. 79, 80,
enacted

(50) The said Act is amended by adding thereto the following sections:

Submissions

79.—(1) Where the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry intends to make, give or issue a direction, order, report or notice, other than an emergency order, he shall serve notice of his intention together with written reasons therefor upon the person or municipality to whom he intends to make, give or issue the direction, order, report or notice and shall not make, give or issue the direction, order, report or notice until fifteen days after the service thereof and such person or municipality may make submissions to him at any time before the making, giving or issuing of the direction, order, report or notice.

When
approval,
etc.,
refused

(2) When the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control, or the Executive Director, Water Resources, of the Ministry,

(a) refuses to issue or renew, or cancels or suspends a licence or permit or refuses to grant an approval;

(b) imposes terms and conditions in issuing a licence or permit or in granting an approval;

(c) alters the terms and conditions of a permit after it is issued; or

- (d) gives or makes any notice, direction, report or order, except an order under section 61,

he shall serve written notice of the refusal, cancellation or suspension referred to in clause *a*, the terms and conditions imposed or altered as referred to in clause *b* or *c*, or a written copy of the notice, direction, report or order referred to in clause *d*, together with written reasons therefor, in each case upon the applicant or the person or municipality to whom the licence, permit, approval, direction, order, report or notice is issued, as the case may be, and the applicant, person or municipality may, by written notice served upon the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry as the case may be, and the Environmental Appeal Board within fifteen days after the service of the notice, terms and conditions or written copy together with written reasons therefor in each case require a hearing by the Environmental Appeal Board.

- (3) The provisions of section 80 of *The Environmental Protection Act, 1971* apply *mutatis mutandis* to a hearing by the Environmental Appeal Board under this section. ^{Hearing 1971, c. 86}
- (4) The applicant, person or municipality requiring the hearing, the Assistant Deputy Minister, Water Management, the Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry, as the case may be, and any other persons specified by the Environmental Appeal Board are parties to the hearing. ^{Parties to hearing}
- 80.—(1) In this section and in section 79, “emergency order” means an order, direction, report or notice issued, made or given under this Act in an emergency by reason of, ^{Interpretation}
- (a) danger to the health or safety of any person;
 - (b) impairment or immediate risk of impairment of any waters or the use thereof; or
 - (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life.

Enforce-
ment of
order

- (2) No order, direction, report or notice, except an emergency order, shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed.

Compliance

- (3) A person or municipality to whom an emergency order is issued, made or given shall comply with the emergency order forthwith after service of the order or a written copy thereof.

When
emergency
order
altered on
appeal

- (4) When an emergency order is appealed and is altered or rescinded on final appeal, the alteration or rescission of the order comes into force on the date the final decision on appeal is given.

*Pesticides
Act,
s. 1 (c),
repealed*

71.—(1) Clause *c* of section 1 of *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970, is repealed.

s. 1 (*k*),
re-enacted

(2) Clause *k* of the said section 1 is repealed and the following substituted therefor:

(*k*) “Minister” means the Minister of the Environment;

(*ka*) “Ministry” means the Ministry of the Environment.

Amendment
of
references
R.S.O. 1970,
c. 346

(3) A reference in any regulation made under *The Pesticides Act* or in any licence, notice or other instrument issued or made under such Act or the regulations thereunder to the Department of Health or the Minister of Health shall be deemed to be a reference to the Ministry of the Environment or the Minister of the Environment, respectively.

*Pollution
Abatement
Incentive
Act,
s. 8,
amended*

72. Section 8 of *The Pollution Abatement Incentive Act*, being chapter 352 of the Revised Statutes of Ontario, 1970, is amended by striking out “Department of Energy and Resources Management or of the Ontario Water Resources Commission” in the second and third lines and inserting in lieu thereof “Ministry of the Environment”.

*Power
Commission
Act,
s. 10 (1),
amended*

73.—(1) Subsection 1 of section 10 of *The Power Commission Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, is amended by striking out “Provincial Secretary” in the second line and inserting in lieu thereof “Minister of the Environment”.

s. 10 (3),
amended

(2) Subsection 3 of the said section 10 is amended by striking out “Provincial Secretary” in the first line and inserting in lieu thereof “Minister of the Environment”.

(3) Section 47 of the said Act is amended by striking out ^{s. 47, amended} "Department of Municipal Affairs" wherever it occurs in subsections 3, 12 and 14 and inserting in lieu thereof in each instance "Ministry of Revenue" and by striking out "Minister of Municipal Affairs" in the first line of subsection 13 and inserting in lieu thereof "Treasurer of Ontario".

PART XI

MINISTRY OF GOVERNMENT SERVICES

74.—(1) The title to *The Public Works Act*, being chapter 393 of the Revised Statutes of Ontario, 1970, is repealed ^{*Public Works Act*, title, re-enacted} and the following substituted therefor:

The Government Services Act

(2) Clause *c* of section 1 of the said Act is repealed. ^{s. 1 (c), repealed}

(3) Clause *f* of the said section 1 is repealed and the ^{s. 1 (f), re-enacted} following substituted therefor:

(*f*) "Minister" means the Minister of Government Services;

(*fa*) "Ministry" means the Ministry of Government Services.

(4) Section 3 of the said Act is amended by striking out ^{s. 3, amended} "Public Works" in the first line and inserting in lieu thereof "Government Services".

(5) A reference in any Act or regulation to the Minister ^{Amendment of references to "Public Works"} of Public Works, the Department of Public Works or *The Public Works Act* shall be deemed to be a reference to the Minister of Government Services, the Ministry of Government Services or *The Government Services Act*, respectively.

75. Section 2 of *The Legislative Assembly Retirement Allowances Act*, being chapter 241 of the Revised Statutes of Ontario, 1970, is amended by striking out "Treasurer" and ^{*Legislative Assembly Retirement Allowances Act*, s. 2, amended} inserting in lieu thereof "Minister of Government Services".

76.—(1) Subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, is amended by adding thereto ^{*Public Service Superannuation Act*, s. 1 (1), amended} the following clause:

(fa) "Minister" means the Minister of Government Services.

s. 2,
amended

(2) Section 2 of the said Act is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

s. 4,
amended

(3) Section 4 of the said Act is amended by striking out "Treasurer" in the second line and in the fifth line and inserting in lieu thereof in each instance "Minister".

s. 28 (3),
amended

(4) Subsection 3 of section 28 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 40, section 6, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

s. 35 (1),
amended

(5) Subsection 1 of section 35 of the said Act is amended by striking out "Treasurer" in the second line and inserting in lieu thereof in each instance "Minister".

s. 35 (2),
amended

(6) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

PART XII

MINISTRY OF HEALTH

*Department
of Health
Act,*
title,
re-enacted

77.—(1) The title to *The Department of Health Act*, being chapter 114 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Health Act

s. 2 (1),
re-enacted

(2) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

Department
continued
as Ministry

(1) The department of the public service known as the Department of Health is continued under the name of the Ministry of Health.

Cancer Act,
s. 12 (2),
amended

78.—(1) Subsection 2 of section 12 of *The Cancer Act*, being chapter 55 of the Revised Statutes of Ontario, 1970, is amended by striking out "file the report with the Provincial Secretary who shall" in the first and second lines.

s. 27 (2),
amended

(2) Subsection 2 of section 27 of the said Act is amended by striking out "file the report with the Provincial Secretary who shall" in the first and second lines.

PART XIII

MINISTRY OF INDUSTRY AND TOURISM

79.—(1) The title to *The Department of Tourism and Information Act*, being chapter 122 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Department of Tourism and Information Act, title, re-enacted

The Tourism Act

(2) Clause *a* of section 1 of the said Act is repealed. s. 1 (a), repealed

(3) Clause *c* of the said section 1 is repealed and the following substituted therefor: s. 1 (c), re-enacted

(c) “Minister” means the Minister of Industry and Tourism;

(ca) “Ministry” means the Ministry of Industry and Tourism.

(4) Sections 2, 3 and 4 of the said Act are repealed. ss. 2-4, repealed

(5) Subsection 1 of section 6*f* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 31, is amended by striking out “Tourism and Information” in the thirteenth line and inserting in lieu thereof “Industry and Tourism”. s. 6*f* (1), amended

(6) Section 10, as amended by the Statutes of Ontario, 1971, chapter 50, section 31, and section 11 of the said Act are repealed. ss. 10, 11, repealed

(7) Clause *d* of subsection 1 of section 13 of the said Act is amended by striking out “and historical institutions” in the fourth line. s. 13 (1) (d), amended

(8) Clauses *l* and *m* of subsection 1 of the said section 13 are repealed. s. 13 (1) (l, m), repealed

80.—(1) Clause *d* of subsection 1 of section 1 of *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Northern Ontario Development Corporation Act, s. 1 (1) (d), re-enacted

(d) “Minister” means the Minister of Industry and Tourism or such other member of the Executive

Council as the Lieutenant Governor in Council designates.

s. 6 (1) (c),
amended

(2) Clause *c* of subsection 1 of section 6 of the said Act is amended by striking out "*The Department of Trade and Development Act*" in the fourth and fifth lines and inserting in lieu thereof "*The Ministry of Industry and Tourism Act*".

*Ontario
Develop-
ment
Corporation
Act,
s. 1 (e),
re-enacted*

81.—(1) Clause *e* of section 1 of *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(e) "Minister" means the Minister of Industry and Tourism or such other member of the Executive Council as the Lieutenant Governor in Council designates.

s. 8 (1) (c),
amended

(2) Clause *c* of subsection 1 of section 8 of the said Act is amended by striking out "*The Department of Trade and Development Act*" in the fourth and fifth lines and inserting in lieu thereof "*The Ministry of Industry and Tourism Act*".

PART XIV

MINISTRY OF LABOUR

*Department
of Labour
Act,
title,
re-enacted*

82.—(1) The title to *The Department of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Ministry of Labour Act

s. 7,
re-enacted

(2) Section 7 of the said Act is repealed and the following substituted therefor:

Annual
report

7. The Minister shall after the close of each fiscal year submit an annual report upon the affairs of the Ministry to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reference
to *Depart-
ment of
Labour Act*

(3) A reference in any Act or regulation to *The Department of Labour Act* shall be deemed to be a reference to *The Ministry of Labour Act*.

83.—(1) Section 1 of *The Loggers' Safety Act*, being chapter 257 of the Revised Statutes of Ontario, 1970, is amended ^{*Loggers' Safety Act, s. 1, amended*} by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Director" means the Director appointed under *The Industrial Safety Act, 1971*. 1971, c. 43

(2) Subsection 2 of section 7 of the said Act, as re-enacted ^{s. 7 (2), amended} by the Statutes of Ontario, 1971, chapter 50, section 54, is amended by striking out "district forester for the forestry district in which the logging or work to which the order relates is carried on" in the fifth, sixth and seventh lines and inserting in lieu thereof "Director".

(3) Subsection 4 of the said section 7 is amended by striking ^{s. 7 (4), amended} out "district forester" in the second line and in the third line and inserting in lieu thereof in each instance "Director".

(4) Subsection 5 of the said section 7 is amended by striking ^{s. 7 (5), amended} out "district forester" in the fourth line and inserting in lieu thereof "Director".

(5) Subsection 6 of the said section 7 is amended by striking ^{s. 7 (6), amended} out "district forester" in the second line and inserting in lieu thereof "the Director".

PART XV

MINISTRY OF NATURAL RESOURCES

84.—(1) Clause *g* of section 1 of *The Conservation Authorities Act*, being chapter 78 of the Revised Statutes of Ontario, 1970, as ^{*Conservation Authorities Act, s. 1 (g), re-enacted*} re-enacted by the Statutes of Ontario, 1971, chapter 64, section 1, is repealed and the following substituted therefor:

(g) "Minister" means the Minister of Natural Resources.

(2) Section 32 of the said Act is amended by striking out ^{s. 32, amended} "Department of Municipal Affairs" wherever it occurs and inserting in lieu thereof in each instance "Ministry of Revenue".

85.—(1) Subsection 1 of section 19 of *The Niagara Parks Act*, being chapter 298 of the Revised Statutes of Ontario, 1970, is amended by striking out "Provincial Secretary" in ^{*Niagara Parks Act, s. 19 (1), amended*} the second line and inserting in lieu thereof "Minister".

s. 19 (2),
amended

(2) Subsection 2 of the said section 19 is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

*Parks
Assistance
Act,*
s. 1 (1) (b),
repealed

86.—(1) Clause *b* of subsection 1 of section 1 of *The Parks Assistance Act*, being chapter 337 of the Revised Statutes of Ontario, 1970, is repealed.

s. 3 (1),
amended

(2) Subsection 1 of section 3 of the said Act is amended by striking out "upon the recommendation of the Board and" in the first and second lines.

s. 5,
amended

(3) Section 5 of the said Act is amended by striking out "Board" in the second line and in the fourth line and inserting in lieu thereof in each instance "Minister".

s. 6 (1),
amended

(4) Subsection 1 of section 6 of the said Act is amended by striking out "Board" in the first line and inserting in lieu thereof "Minister".

s. 6 (2),
amended

(5) Subsection 2 of the said section 6 is amended by striking out "Board" in the second line and inserting in lieu thereof "Minister" and by striking out "it" in the fourth line and inserting in lieu thereof "he".

s. 7,
amended

(6) Section 7 of the said Act is amended by striking out "Board" in the third line and inserting in lieu thereof "Minister".

s. 8,
amended

(7) Section 8 of the said Act is amended by striking out "Board" in the fourth line and inserting in lieu thereof "Lieutenant Governor in Council".

s. 10 (1),
amended

(8) Subsection 1 of section 10 of the said Act is amended by striking out "Board" in the second line and inserting in lieu thereof "Minister".

*Provincial
Parks Act,*
s. 8 (1),
amended

87.—(1) Subsection 1 of section 8 of *The Provincial Parks Act*, being chapter 371 of the Revised Statutes of Ontario, 1970, is amended by striking out "Ontario Parks Integration Board" in the second line and inserting in lieu thereof "Lieutenant Governor in Council".

s. 8 (3),
amended

(2) Subsection 3 of the said section 8 is amended by striking out "Ontario Parks Integration Board" in the first and second lines and inserting in lieu thereof "Lieutenant Governor in Council".

PART XVI

MINISTRY OF REVENUE

88.—(1) The title to *The Department of Revenue Act*, being chapter 119 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Department of Revenue Act, title, re-enacted

The Ministry of Revenue Act

(2) Section 2 of the said Act is repealed and the following substituted therefor: s. 2, re-enacted

2. The department of the public service known as the Department of Revenue is continued under the name of the Ministry of Revenue. Department continued as Ministry

89.—(1) Clause *i* of section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is repealed. Assessment Act, s. 1 (i), repealed

(2) Clause *n* of the said section 1 is repealed and the following substituted therefor: s. 1 (n), re-enacted

(*n*) “Minister” means the Minister of Revenue;

(*na*) “Ministry” means the Ministry of Revenue.

90.—(1) *The Elderly Persons’ Housing Aid Act*, being chapter 141 of the Revised Statutes of Ontario, 1970, is amended by renumbering section 1 as subsection 2 and by adding thereto the following subsection: Elderly Persons’ Housing Aid Act, s. 1, amended

- (1) In this Act, “Minister” means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council. Interpretation

(2) Subsection 2 of the said section 1, as renumbered by subsection 1, is amended by striking out “of Trade and Development” in the first line. s. 1 (2), amended

91.—(1) Clauses *b* and *c* of section 1 of *The Provincial Land Tax Act*, being chapter 370 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: Provincial Land Tax Act, s. 1 (b), re-enacted; s. 1 (c), repealed

(*b*) “Deputy Minister” means the Deputy Minister of Revenue.

s. 1(e),
re-enacted

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

(e) "Minister" means the Minister of Revenue;

(ea) "Ministry" means the Ministry of Revenue.

*Railway
Fire Charge
Act,*
s. 1(b),
re-enacted

92. Clause *b* of section 1 of *The Railway Fire Charge Act*, being chapter 400 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) "Minister" means the Minister of Revenue.

PART XVII

MINISTRY OF THE SOLICITOR GENERAL

*Coroners
Act,*
s. 4,
amended

93.—(1) Section 4 of *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, is amended by striking out "Inspector of Legal Offices" in the second line and inserting in lieu thereof "Deputy Solicitor General".

s. 37 (11),
amended

(2) Subsection 11 of section 37 of the said Act is amended by striking out "Deputy Minister of Justice and Deputy Attorney General" in the fifth and sixth lines and inserting in lieu thereof "Deputy Solicitor General".

Act,
amended

(3) The said Act is amended by striking out "Minister of Justice and Attorney General" wherever it occurs and inserting in lieu thereof in each instance "Solicitor General".

*Emergency
Measures
Act,*
s. 1(a),
re-enacted;
s. 1(c),
repealed

94.—(1) Clauses *a* and *c* of section 1 of *The Emergency Measures Act*, being chapter 145 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(a) "Director" means the Director of the Emergency Measures Branch of the Ministry of the Solicitor General.

s. 2,
amended

(2) Section 2 of the said Act is amended by striking out "Department of Justice" in the first line and inserting in lieu thereof "Ministry of the Solicitor General".

ss. 3, 5, 6, 8,
amended

(3) The said Act is amended by striking out "Minister" wherever it occurs in sections 3, 5, 6 and 8 and inserting in lieu thereof in each instance "Solicitor General".

95.—(1) Subsection 3 of section 6 of *The Fire Departments Act*, being chapter 169 of the Revised Statutes of Ontario, 1970, is amended by striking out “Minister of Justice and Attorney General” in the fourth line and inserting in lieu thereof “Solicitor General”. ^{*Fire Departments Act, s. 6 (3), amended*}

(2) Subsection 5 of section 7 of the said Act is amended by striking out “Minister of Justice and Attorney General” in the eleventh and twelfth lines and inserting in lieu thereof “Solicitor General”. ^{*s. 7 (5), amended*}

96. Subsection 4 of section 4 of *The Fire Marshals Act*, being chapter 172 of the Revised Statutes of Ontario, 1970, is amended by striking out “of Justice and Attorney General” in the first line. ^{*Fire Marshals Act, s. 4 (4), amended*}

97.—(1) Clause *e* of section 1 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, is repealed. ^{*Police Act, amended*}

(2) The said Act is amended by striking out “Minister” wherever it occurs and inserting in lieu thereof “Solicitor General”. ^{*Act, amended*}

98.—(1) Subsection 4 of section 21 of *The Private Investigators and Security Guards Act*, being chapter 362 of the Revised Statutes of Ontario, 1970, is amended by striking out “Minister of Justice and Attorney General” in the first line and inserting in lieu thereof “Solicitor General”. ^{*Private Investigators and Security Guards Act, s. 21 (4), amended*}

(2) Subsection 3 of section 32 of the said Act is amended by striking out “Minister of Justice and Attorney General” in the second and third lines and inserting in lieu thereof “Solicitor General”. ^{*s. 32 (3), amended*}

99.—(1) Clause *a* of subsection 1 of section 2 of *The Public Works Protection Act*, being chapter 395 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{*Public Works Protection Act, s. 2 (1) (a), re-enacted*}

(a) the Solicitor General.

(2) Subsection 3 of the said section 2 is amended by striking out “Minister of Justice and Attorney General” in the second line and inserting in lieu thereof “Solicitor General”. ^{*s. 2 (3), amended*}

PART XVIII

MINISTRY OF TRANSPORTATION
AND COMMUNICATIONS

*Department
of Transporta-
tion and
Communica-
tions Act,
s. 2 (1),
re-enacted*

100.—(1) Subsection 1 of section 2 of *The Department of Transportation and Communications Act, 1971*, being chapter 13, is repealed and the following substituted therefor:

*Department
continued*

- (1) The department of the public service known as the Department of Transportation and Communications, having been formed by the amalgamation of the Department of Highways and the Department of Transport, is continued under the name of the Ministry of Transportation and Communications.

*s. 5,
re-enacted*

- (2) Section 5 of the said Act is repealed and the following substituted therefor:

*References
to Minister
and
Department*

5. Any reference to the Minister or Deputy Minister of Highways or the Minister or Deputy Minister of Transport in any Act or regulation shall be deemed to be a reference to the Minister or Deputy Minister of Transportation and Communications, as the case may be, and any reference to the Department of Highways, the Department of Transport or the Department of Transportation and Communications in any Act or regulation shall be deemed to be a reference to the Ministry of Transportation and Communications.

*s. 13,
amended*

- (3) Section 13 of the said Act is amended by striking out “Department” in the first line and inserting in lieu thereof “Ministry”.

*Ontario
Highway
Transport
Board Act,
s. 28,
re-enacted*

101. Section 28 of *The Ontario Highway Transport Board Act*, being chapter 316 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

*Annual
report*

28. The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

*Ontario
Telephone
Develop-
ment Corpora-
tion Act,
s. 11 (2),
re-enacted*

102. Subsection 2 of section 11 of *The Ontario Telephone Development Corporation Act*, being chapter 330 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (2) The member of the Executive Council who is ^{Tabling} responsible for the administration of this Act shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

103. Section 24 of *The Telephone Act*, being chapter 457 of ^{Telephone Act,} the Revised Statutes of Ontario, 1970, is repealed and the ^{s. 24,} following substituted therefor: ^{re-enacted}

24. The Commission shall, after the close of each calendar ^{Annual report} year, make an annual report upon the affairs of the Commission to the member of the Executive Council to whom the administration of this Act is assigned, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

PART XIX

MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

104.—(1) The title to *The Department of Municipal Affairs Act*, being chapter 118 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{Department of Municipal Affairs Act,} ^{title,} ^{re-enacted}

The Municipal Affairs Act

- (2) Clauses *b* and *c* of section 1 of the said Act are repealed ^{s. 1 (b),} and the following substituted therefor: ^{re-enacted;} ^{s. 1 (c),} ^{repealed}

- (*b*) “Deputy Treasurer” means the Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs.

- (3) Clause *e* of the said section 1 is repealed and the ^{s. 1 (e),} following substituted therefor: ^{re-enacted}

- (*e*) “Ministry” means the Ministry of Treasury, Economics and Intergovernmental Affairs.

- (4) The said section 1 is amended by adding thereto the ^{s. 1,} following clause: ^{amended}

- (*h*) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

ss. 2-7,
repealed

(5) Sections 2, 3, 4, 5, 6 and 7 of the said Act are repealed.

References
to *Depart-
ment of
Municipal
Affairs Act*

(6) Wherever *The Department of Municipal Affairs Act* is referred to in any Act or regulation, it shall be deemed to be a reference to *The Municipal Affairs Act*.

*Financial
Administra-
tion Act*,
s. 1 (e),
re-enacted

105.—(1) Clause *e* of section 1 of *The Financial Administration Act*, being chapter 166 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(e) “Deputy Treasurer” means the Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs.

s. 1 (o),
re-enacted

(2) Clause *o* of the said section 1 is repealed and the following substituted therefor:

(o) “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

ss. 6-10,
repealed

(3) The following sections of the said Act are repealed:

1. Sections 6, 7 and 8.

2. Section 9, as amended by the Statutes of Ontario, 1971, chapter 55, section 1.

3. Sections 9*a*, 9*b*, 9*c*, 9*d*, 9*e*, 9*f*, 9*g*, 9*h* and 9*i*, as enacted by the Statutes of Ontario, 1971, chapter 55, section 2.

4. Section 10.

*Income Tax
Act*,
s. 1 (1),
par. 29,
amended

106. Paragraph 29 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by inserting after “Economics” in the second line “and Intergovernmental Affairs”.

*Public
Service
Act*,
s. 3,
amended

107. Section 3 of *The Public Service Act*, being chapter 386 of the Revised Statutes of Ontario, 1970, is amended by striking out “and the staff of the Commission constitutes the Department of Civil Service” in the second and third lines.

PART XX

MISCELLANEOUS

108. *The Department of the Provincial Secretary and Citizen-ship Act*, being chapter 121 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

109.—(1) This Act, except subsection 2 of section 2 of ^{Commence-}*The Executive Council Act*, as enacted by subsection 1 of section 3, subsection 3 of section 3 and section 4 shall be deemed to have come into force on the 1st day of April, 1972. ^{ment}

(2) Subsection 2 of section 2 of *The Executive Council Act*, ^{Idem} as enacted by subsection 1 of section 3, subsection 3 of section 3 and section 4 shall be deemed to have come into force on the 1st day of February, 1972.

110. This Act may be cited as *The Government Reorganization Act*, 1972. ^{Short title}

CHAPTER 2

An Act to establish the Ministry of the Solicitor General

*Assented to April 7th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Ministry" means the Ministry of the ^{Interpre-}
Solicitor General. ^{tation}

2.—(1) There shall be a ministry of the public service to ^{Ministry}
be known as the Ministry of the Solicitor General. ^{established}

(2) The Solicitor General shall preside over and have charge ^{Solicitor}
of the Ministry. ^{General to}
^{have charge}

3.—(1) The Lieutenant Governor in Council may appoint ^{Deputy}
a Deputy Solicitor General who shall be the deputy head ^{Solicitor}
of the Ministry. ^{General}

(2) Such officers, clerks and servants may be appointed ^{Staff}
under *The Public Service Act* as are required from time to ^{R.S.O. 1970,}
time for the proper conduct of the business of the Ministry. ^{c. 386}

4. The moneys required for the purposes of the Ministry ^{Moneys}
shall be paid out of the moneys appropriated therefor by ^{required by}
the Legislature. ^{Ministry}

5. The Solicitor General is responsible for the administration ^{Duties of}
of this Act, any Acts that are assigned to him by the ^{Solicitor}
Legislature or by the Lieutenant Governor in Council and the ^{General}
following Acts:

1. *The Anatomy Act.* R.S.O. 1970,
c. 21
2. *The Coroners Act.* R.S.O. 1970,
c. 87
3. *The Emergency Measures Act.* R.S.O. 1970,
c. 145

R.S.O. 1970,
c. 1684. *The Fire Accidents Act.*R.S.O. 1970,
c. 1695. *The Fire Departments Act.*R.S.O. 1970,
c. 1706. *The Fire Fighters' Exemption Act.*R.S.O. 1970,
c. 1727. *The Fire Marshals Act.*

1971, c. 41

8. *The Hotel Fire Safety Act, 1971.*R.S.O. 1970,
c. 2459. *The Lightning Rods Act.*R.S.O. 1970,
c. 35110. *The Police Act.*R.S.O. 1970,
c. 36211. *The Private Investigators and Security Guards Act.*R.S.O. 1970,
c. 39512. *The Public Works Protection Act.*Annual
report

6. The Solicitor General, after the close of each year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

7. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

8. This Act may be cited as *The Ministry of the Solicitor General Act, 1972.*

CHAPTER 3

**An Act to establish the Ministry of Treasury,
Economics and Intergovernmental Affairs**

*Assented to April 7th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “appropriation” means an authority to pay money out of the Consolidated Revenue Fund;
- (b) “Consolidated Revenue Fund” means the aggregate of all public moneys that are on deposit at the credit of the Treasurer or in the name of any agency of the Crown approved by the Lieutenant Governor in Council;
- (c) “Deputy Treasurer” means the Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs;
- (d) “fiscal year” means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (e) “minister” means a member of the Executive Council;
- (f) “ministry” means a ministry of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (g) “municipality” means the corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;

(h) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,

(i) special funds of Ontario and the income and revenue therefrom,

(ii) revenues of Ontario,

(iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and

(iv) money paid to Ontario for a special purpose ;

(i) "public officer" includes a minister and a person employed in a ministry ;

(j) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Departments
continued as
Ministry of
Treasury,
Economics
and Inter-
governmental
Affairs

2. The departments of the public service known as the Department of Treasury and Economics and the Department of Municipal Affairs are amalgamated and continued as one ministry to be known as the Ministry of Treasury, Economics and Intergovernmental Affairs.

Treasurer

3. The Treasurer shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Duties of
Treasurer

4.—(1) The Treasurer shall direct and control the Ministry of Treasury, Economics and Intergovernmental Affairs, recommend to the Executive Council financial, economic, accounting and taxation policy, advise on intergovernmental affairs, supervise, direct and control all financial, economic, statistical and accounting functions and manage the Consolidated Revenue Fund and all public money.

Idem

(2) The Treasurer shall exercise general oversight over municipal institutions and their administration and such special oversight and powers in relation thereto as are provided in or under the authority of this or any other general or special Act, but nothing herein shall be deemed to divest the Ontario Municipal Board of any jurisdiction or powers conferred on it by this or any other Act.

Administra-
tion of Act

(3) The Treasurer is responsible for the administration of this Act and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

5.—(1) The Lieutenant Governor in Council shall appoint ^{Deputy Treasurer} a Deputy Treasurer of Ontario and Deputy Minister of Economics and Intergovernmental Affairs to be the deputy head of the Ministry of Treasury, Economics and Intergovernmental Affairs.

(2) Under the direction of the Treasurer, the Deputy ^{Duties of Deputy Treasurer} Treasurer shall perform such duties as the Treasurer may assign or delegate to him.

(3) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him to the Deputy ^{Delegation of powers and duties of Treasurer} Treasurer or to any officer of the Ministry of Treasury, Economics and Intergovernmental Affairs who may act for him in his place and stead, and when the Deputy Treasurer or such other officer acts in the place and stead of the Treasurer, it shall be presumed conclusively that he acted in accordance with such delegation.

6. The responsibility for the conduct of the financial business ^{Responsibility with head of ministry} of each ministry shall rest with the head of the ministry, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper officers of the ministry.

7. The Treasurer may make such recommendations to the ^{Treasurer may recommend standards} Management Board of Cabinet as he considers appropriate with respect to accounting controls and accounting standards to be attained by a ministry prior to the application of section 8 and to be maintained by a ministry.

8. The Lieutenant Governor in Council, on the recom- ^{Application of Audit Act} mendation of the Treasurer and with the concurrence of the Management Board of Cabinet, may designate the ministries to which sections 6, 7, 8, 10, 15 and clause *ca* of subsection 1 of section 20 of *The Audit Act* shall not apply.

R.S.O. 1970,
c. 36

9.—(1) The certificate or order of the Attorney General or ^{Payment for special cases} Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate
of Attorney
General or
Deputy
Attorney
General

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination.

Issue of
cheques may
be withheld

10.—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference
to Manage-
ment Board
of Cabinet

(2) When the issue of a cheque has been withheld under subsection 1, the Treasurer or the minister responsible may refer the matter to the Management Board of Cabinet for determination.

Information
and access
to records

11. Every ministry of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the ministry and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians.

Fiscal year

12.—(1) The Public Accounts shall cover the fiscal year.

Estimates

(2) All estimates submitted to the Legislature shall be for services coming in course of payment during the fiscal year.

Lapse of
appropria-
tions

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year.

Preparation
of Public
Accounts

13. The Public Accounts for the 1971-72 fiscal year and subsequent years shall be prepared under the direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year.

14. Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in.

Payments
authorized
by Assembly

15. Every person who is to examine the accounts or inquire into the affairs of any ministry pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that ministry.

Oath of
secrecy

16. For any of the purposes of the Ministry or of any Act or regulation that it administers, the Deputy Treasurer and such of the officers of the Ministry as are authorized by the Lieutenant Governor in Council have the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to any investigation, inquiry or matter in relation to which the powers are exercised as if it were an inquiry under such Part.

Powers of
inquiry

17.—(1) A reference to the Minister of Municipal Affairs or the Treasurer of Ontario and Minister of Economics in any Act or regulation shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

References
to Minister
of Municipal
Affairs and
Treasurer

(2) A reference to the Department of Municipal Affairs or the Department of Treasury and Economics in any Act or regulation shall be deemed to be a reference to the Ministry of Treasury, Economics and Intergovernmental Affairs.

References
to Dept. of
Municipal
Affairs and
Dept. of
Treasury and
Economics

18. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Commence-
ment

19. This Act may be cited as *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*.

Short title

CHAPTER 4

**An Act to establish
the Ministry of Natural Resources**

*Assented to April 7th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (b) "Minister" means the Minister of Natural Resources;
- (c) "Ministry" means the Ministry of Natural Resources.

2. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister

3. The departments of the public service known as the Department of Lands and Forests and the Department of Mines and Northern Affairs are amalgamated and continued as one ministry to be known as the Ministry of Natural Resources.

Departments
continued as
Ministry

4. The Minister shall preside over and have charge of the Ministry.

Minister to
have charge

5.—(1) There shall be,

Staff

- (a) a Deputy Minister of Natural Resources who shall be the deputy head of the Ministry;
- (b) a Surveyor General who shall be appointed by the Lieutenant Governor in Council and who shall perform such duties in connection with the surveying of lands, investigation of water powers, engineering, inspection, research and such other matters as are assigned to him by the Lieutenant Governor in Council or by the Minister.

Idem

(2) Such officers, clerks and servants as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386Protection
from personal
liabilityR.S.O. 1970,
c. 274

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Mining Commissioner under *The Mining Act*, or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Liability
of CrownR.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 3 had not been enacted.

Delegation
of powers
and duties

6.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Enforcement
of contracts

(2) Contracts and title documents respecting any matter under the administration or control of the Minister that are entered into by the Minister or by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown.

Seal

7.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

Officers
authorized
to take
affidavits

8. Affidavits or statutory declarations required under any Act administered by the Minister or intended to be used in reference to any claim, business or transaction in the Ministry or in respect of which the Ministry is interested or which affects the revenue of Ontario, under the control of the Ministry, may be taken before any person having authority to administer oaths or before the clerk of any county or district court, or before the Minister or

Deputy Minister, or before any person appointed for that purpose by the Minister or Deputy Minister, or before an Ontario land surveyor appointed by the Minister or Deputy Minister to inquire into, take evidence in or report upon any matter pending in the Ministry.

9. A copy of an instrument made or issued under the hand of the Minister or Deputy Minister or of any officer of the Ministry under the authority of any Act administered by the Minister or under the authority of the regulations made under those Acts, purporting to be certified by the Minister, Deputy Minister or officer as a true copy of such instrument is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the instrument and its contents without proof of the signature or official position of the person purporting to have made the certificate.

Certified
copy of
instrument
to be
evidence

10. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

Advisory
committees

11. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report

12. A reference to the Minister or Deputy Minister of Lands and Forests or the Minister or Deputy Minister of Mines and Northern Affairs or to the Department of Lands and Forests or the Department of Mines and Northern Affairs in any Act, regulation or rule shall be deemed to be a reference to the Minister of Natural Resources, the Deputy Minister of Natural Resources or the Ministry of Natural Resources, as the case may be.

References
to Minister,
etc.

13.—(1) Where, on the date that this Act comes into force, the Minister of Lands and Forests or the Minister of Mines and Northern Affairs is a party to any action or proceeding before any court, board or other tribunal,

Application
to existing
proceedings

the Minister of Natural Resources shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of Lands and Forests or the Minister of Mines and Northern Affairs, as the case may be.

Parties
to action

(2) Where, on the date that this Act comes into force, the Minister of the Environment or the Minister of Tourism and Information is a party to an action or proceeding respecting a matter administered on that date or thereafter by the Minister of Natural Resources before any court, board or tribunal, the Minister of Natural Resources shall, for the purposes of such action or proceeding, be deemed to be the party in the place of the Minister of the Environment or the Minister of Tourism and Information, as the case may be.

Reference to
Minister, etc.

14. A reference to the Minister or the Deputy Minister of Lands and Forests or the Minister or Deputy Minister of Mines or the Minister or Deputy Minister of Mines and Northern Affairs or the Department of Lands and Forests or the Department of Mines or the Department of Mines and Northern Affairs in any letters patent, deed, lease, licence of occupation, licence, permit, contract, judgment or order and any reference to the Minister or Deputy Minister of the Environment or the Department of the Environment or the Minister or Deputy Minister of Tourism and Information or the Department of Tourism and Information in any deed, lease, licence of occupation, licence, permit, contract, judgment or order respecting a matter administered by the Minister of Natural Resources on or after the day this Act comes into force shall be deemed to be a reference to the Minister or Deputy Minister of Natural Resources or the Ministry of Natural Resources, as the case may be.

Executing
title
documents,
licences,
contracts,
etc.

15. During the period of six months following the 31st day of March, 1972, any letters patent, deed, lease, licence of occupation, licence, permit, contract or order respecting any matter administered by the Minister may be executed by the Minister as the Minister of the Environment, the Minister of Lands and Forests, the Minister of Mines and Northern Affairs or the Minister of Tourism and Information or by the Deputy Minister as the Deputy Minister of the Environment, the Deputy Minister of Lands and Forests, the Deputy Minister of Mines and Northern Affairs, the Deputy Minister of Tourism and Information or the Deputy Provincial Secretary and such execution shall be fully effective as execution by the Minister or the Deputy Minister.

16. Section 47 of *The Crown Timber Act*, being chapter 102 of the Revised Statutes of Ontario, 1970, is repealed. *Crown Timber Act*, s. 47, repealed

17. Sections 4, 5, 6, 16, section 17 as amended by the Statutes of Ontario, 1971, chapter 50, section 58 and section 19 of *The Mining Act*, being chapter 274 of the Revised Statutes of Ontario, 1970, are repealed. *Mining Act*, ss. 4, 5, 6, 16, 17 and 19, repealed

18. *The Ontario Parks Integration Board Act*, being chapter 327 of the Revised Statutes of Ontario, 1970, is repealed. *Ontario Parks Integration Board Act*, repealed

19. Sections 4, 5, 6, 10, 43 and 44 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, are repealed. *Public Lands Act*, ss. 4, 5, 6, 10, 43 and 44, repealed

20. Section 61 of *The Surveys Act*, being chapter 453 of the Revised Statutes of Ontario, 1970, is repealed. *Surveys Act*, s. 61, repealed

21. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commencement

22. This Act may be cited as *The Ministry of Natural Resources Act*, 1972. Short title

CHAPTER 5

**An Act to establish
the Ministry of Industry and Tourism**

*Assented to April 7th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Minister" means the Minister of Industry and Tourism;
- (b) "Ministry" means the Ministry of Industry and Tourism.

2.—(1) The departments of the public service known as the Department of Tourism and Information and the Department of Trade and Development are amalgamated and continued as one ministry to be known as the Ministry of Industry and Tourism.

Departments
continued
as
Ministry

(2) The Minister shall preside over and have charge of the Ministry and is responsible for the administration of this and such other Acts and regulations made thereunder as are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of
Minister**3.** The Minister shall,Objectives
of Ministry

- (a) cause the Ministry to stimulate employment and income opportunity through the effective development of industry, trade and tourism;
- (b) promote the establishment, growth, efficiency and improvement of industry, trade and tourism in Ontario;
- (c) develop and carry out such programs and activities as may be appropriate,

- (i) to assist the adaptation of industry to changing conditions in domestic and export markets, and to changes in the techniques of production and delivery of services,
- (ii) to identify and assist those industries that require special measures to develop an unrealized potential or to cope with exceptional problems of adjustments;
- (d) participate with other jurisdictions, with associations and organizations and with public and private enterprises with a view to formulate plans to create, assist and develop the human and material resources of Ontario;
- (e) encourage and promote improvement in the standards of accommodation, facilities and services offered to the travelling and vacationing public; and
- (f) publicize the tourist industry and the resources, attractions and advantages of Ontario.

Powers

4. The Minister may, in exercising his powers and carrying out his duties and functions under this Act,

- (a) consult with and organize conferences of representatives of industry, trade and tourism and labour, and also co-operate with federal, provincial and municipal authorities and other interested parties;
- (b) promote or conduct surveys and inquiries in matters of interest to industry and tourism;
- (c) encourage research for the advancement of industry and tourism;
- (d) collect and disseminate information on such aspects of the provincial economy as affect the development of industry and tourism; and
- (e) assist industry and tourism in any other manner considered to be proper.

**Areas for
equalization
of industrial
opportunity**

5.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may approve any area in Ontario that is considered to require assistance to attract industrial development as an area of equalization of industrial opportunity.

(2) The Minister shall,

Duties re
approved
areas

(a) undertake research and make investigations respecting the areas of equalization of industrial opportunity ;
and

(b) prepare and carry out such programs and projects to improve the economic development of areas of equalization of industrial opportunity as may be appropriate and that cannot suitably be undertaken by other ministries, branches or agencies of the Government of Ontario.

6. The expenses of the Ministry in carrying out its objectives shall be paid out of the moneys appropriated therefor by the Legislature.

Expenses of
Ministry

7.—(1) A reference in any Act or regulation to the Minister of Trade and Development or the Minister of Tourism and Information shall be deemed to be a reference to the Minister of Industry and Tourism.

References
to Minister

(2) A reference in any Act or regulation to *The Department of Trade and Development Act* or *The Department of Tourism and Information Act* shall be deemed to be a reference to this Act.

References
to Act

R.S.O. 1970,
cc. 123, 122

8. *The Department of Trade and Development Act*, being chapter 123 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 123,
repealed

9. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Commence-
ment

10. This Act may be cited as *The Ministry of Industry and Tourism Act, 1972*.

Short title

CHAPTER 6

An Act respecting Historical Parks

*Assented to April 7th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation
- (a) “Minister” means the Minister of Natural Resources;
- (b) “public lands” means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
- (c) “regulations” means the regulations made under this Act.

2. The Minister is responsible for the administration of this Act.

Administra-
tion of Act

3. Land may be acquired under *The Public Works Act* for the purposes of this Act.

Acquisition
of land
R.S.O. 1970,
c. 373

4. The Lieutenant Governor in Council may set apart as a historical park any public lands in which there is an object, site or land of historical significance for the use by the people of Ontario in connection with the enjoyment of such historical object, site or land.

Designation
of historical
parks

5. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15a, 17, 18, 19 and 20 of *The Provincial Parks Act* apply *mutatis mutandis* to historical parks.

Application
of
R.S.O. 1970,
c. 371,
ss. 6-15a,
17-20

6. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Commence-
ment

7. This Act may be cited as *The Historical Parks Act, 1972*.

Short title

CHAPTER 7

An Act to amend The Condominium Act

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- 24.—(1) Section 29 and clause *b* of subsection 1 of section 32 of *The Planning Act* do not apply in respect of dealings with units and common interests. s. 24,
re-enacted
Application of
of subdivision
control
R.S.O. 1970,
c. 349
- (2) Subject to subsection 3, the provisions of section 33 of *The Planning Act* that apply to plans of subdivision apply *mutatis mutandis* to descriptions under this Act, and a description shall not be registered unless approved or exempted by the Minister of Municipal Affairs. Approval of
descriptions
under
R.S.O. 1970,
c. 349, s. 33
- (3) Before making an application under subsection 1 of section 33 of *The Planning Act*, the owner of a property or someone authorized by him in writing may apply to the Minister to have the description or any part of the description exempted from such section 33, or from any provision thereof, and where in the opinion of the Minister such exemption is appropriate in the circumstances, he may grant the exemption. Exemption
- (4) Section 34 of *The Planning Act* does not apply in respect to descriptions made for the purposes of this Act. R.S.O. 1970,
c. 349, s. 34,
not to apply

2. This Act shall be deemed to have come into force on the 1st day of September, 1971. Commence-
ment

3. This Act may be cited as *The Condominium Amendment Act*, 1972. Short title

CHAPTER 8

**An Act to amend
The Surrogate Courts Act**

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Surrogate Courts Act*, s. 11 (1), being chapter 451 of the Revised Statutes of Ontario, 1970, ^{re-enacted} is repealed and the following substituted therefor:

- (1) A judge appointed for the surrogate court of one or more counties may exercise the powers and perform the duties of a surrogate court judge in any other county in the same manner and to the same effect as a judge appointed for that county. ^{Judge acting outside county}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1972*. ^{Short title}

CHAPTER 9

**An Act to amend
The Edible Oil Products Act**

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Edible Oil Products Act*, ^{s. 1 (b), re-enacted} being chapter 138 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) “dairy product” means any milk product designated by name as a milk product in *The Milk Act* or ^{R.S.O. 1970, c. 273} designated as a milk product or fluid milk product in the regulations made thereunder.

2. Section 2 of the said Act is amended by striking out ^{s. 2, amended} “Subject to section 3” in the first line.

3.—(1) Section 7 of the said Act is amended by adding ^{s. 7, amended} thereto the following clause:

(ba) prescribing standards for the operation and maintenance of premises and facilities in which any edible oil product is manufactured, packed or stored.

(2) Clause *i* of the said section 7 is repealed and the ^{s. 7 (i), re-enacted} following substituted therefor:

(i) exempting any manufacturer, wholesaler or retailer of any edible oil product from this Act and the regulations, and prescribing terms and conditions therefor.

4. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

5. This Act may be cited as *The Edible Oil Products* ^{Short title} *Amendment Act, 1972.*

CHAPTER 10

An Act to amend The Dog Tax and Live Stock and Poultry Protection Act

Assented to April 21st, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Dog Tax and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: Title
re-enacted

The Dog Licensing and Live Stock and Poultry Protection Act

2. The heading immediately preceding section 2 of the said Act is struck out and the following substituted therefor: Heading
re-enacted

DOG LICENSING

3. Sections 2, 3 and 4 of the said Act are repealed. ss. 2-4,
repealed

4. Subsections 2 and 3 of section 5 of the said Act are repealed and the following substituted therefor: s. 5 (2, 3),
re-enacted

- (2) On payment of the licence fee for a dog, the owner Dog tags shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting deer in the bush.
- (3) A fee not exceeding 25 cents may be charged for each Fee
for tag tag.
- (4) A tag shall bear a serial number and the year in which Serial
number
of tag,
etc. it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing

the name and address of the owner and the serial number of the tag.

Offence

- (5) Every owner who fails to comply with subsection 2 or who uses a tag upon a dog other than that for which it was issued is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

s. 6,
re-enacted

5. Section 6 of the said Act is repealed and the following substituted therefor:

Tax on
kennel of
pure-bred
dogs

6. Where a by-law is passed by the council of a local municipality under subsection 1 of section 5, the owner of a kennel of dogs that are pure-bred shall pay an annual licence fee of \$25 to the treasurer of the municipality as a licence fee for the kennel, and he is not liable to pay in respect of such pure-bred dogs any licence fee under the by-law.

s. 7 (1),
re-enacted

6.—(1) Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Prohibiting
or regulating
the running
at large of
dogs

- (1) By-laws may be passed by the council of a local municipality for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.

s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsection:

Penalty

- (3) Every owner of a dog who allows it to run at large contrary to a by-law made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

Commence-
ment

7.—(1) This Act, except sections 1 to 5 and subsection 1 of section 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 5 and subsection 1 of section 6 come into force on the 1st day of January, 1973.

Short title

8. This Act may be cited as *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1972*.

CHAPTER 11

The Nursing Homes Act, 1972

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Board” means the Nursing Homes Review Board established under section 6;
- (b) “Director” means the Director appointed under subsection 2 of section 2;
- (c) “inspector” means an inspector appointed under section 15;
- (d) “licensee” means a person who is the holder of a licence under this Act;
- (e) “Minister” means the Minister of Health;
- (f) “Ministry” means the Ministry of Health;
- (g) “nursing home” means any premises maintained and operated for persons requiring nursing care or in which such care is provided to two or more unrelated persons, but does not include any premises falling under the jurisdiction of,

- | | |
|--|------------------------|
| (i) <i>The Charitable Institutions Act,</i> | R.S.O. 1970,
c. 62 |
| (ii) <i>The Children’s Boarding Homes Act,</i> | R.S.O. 1970,
c. 65 |
| (iii) <i>The Children’s Mental Health Centres Act,</i> | R.S.O. 1970,
c. 68 |
| (iv) <i>The Homes for the Aged and Rest Homes Act,</i> | R.S.O. 1970,
c. 206 |
| (v) <i>The Mental Hospitals Act,</i> | R.S.O. 1970,
c. 270 |

R.S.O. 1970,
c. 361

(vi) *The Private Hospitals Act*, or

R.S.O. 1970,
c. 378

(vii) *The Public Hospitals Act*;

(h) "regulations" means the regulations made under this Act;

(i) "resident" means a person admitted to and lodged in a nursing home. R.S.O. 1970, c. 302, s. 1; 1971, c. 34, s. 1, *amended*.

Administra-
tion of Act

2.—(1) The Minister is responsible for the administration and enforcement of this Act and the regulations. R.S.O. 1970, c. 302, s. 2.

Director

(2) The Minister shall appoint an officer of the Ministry to be the Director for the purposes of this Act. *New*.

Licence
required

3. No person shall establish, operate or maintain a nursing home except under the authority of a licence issued by the Director under this Act. R.S.O. 1970, c. 302, s. 3, *amended*.

Issuance
of licence

4.—(1) Subject to subsection 2, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a nursing home and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

Grounds for
refusal

(2) Subject to section 7, the Director may refuse to issue a licence where in his opinion,

- (a) the proposed nursing home or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
- (b) there is no public need for the nursing home in the area where the applicant proposes to establish, operate or maintain the nursing home;
- (c) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the home will not be operated in accordance with the law and with honesty and integrity;
- (d) the applicant is not competent to operate a nursing home in a responsible manner in accordance with this Act and the regulations or is not in a position to furnish or provide the required services. 1971, c. 34, s. 3, *part, amended*.

(3) A licence expires twelve months after the date of its issue or renewal. Expiration of licence

(4) A licence is not transferable. Not transferable

(5) Where a licensee is a corporation, the licensee shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation. Notice of changes

(6) Every person who is licensed to establish, maintain and operate a nursing home under *The Nursing Homes Act*, being chapter 302 of the Revised Statutes of Ontario, 1970, immediately before this Act comes into force, shall be deemed to be licensed under this Act and unless sooner surrendered or revoked, the licence continues in force until the expiry date thereof subject to this Act and the regulations. *New.* Continuance

5. The Director may revoke or refuse to renew a nursing home licence where, Revocation and refusal to renew

- (a) the licensee is in contravention of this Act or the regulations or of any other Act or regulation that applies to the nursing home;
- (b) there is a breach of a condition of the licence;
- (c) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the nursing home;
- (d) where the licensee is a corporation a change in its officers or directors would, if it were an applicant, afford grounds for refusing to issue a licence under clause *c* of subsection 2 of section 4;
- (e) the nursing home is being operated in a manner that is prejudicial to the health, safety or welfare of the residents cared for therein. 1971, c. 34, s. 3, *part.*

6.—(1) The Nursing Homes Review Board is established and shall be composed of not fewer than three and not more than seven members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman. Nursing Homes Review Board

(2) A majority of the members of the Board constitute a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Board. Quorum

Remunera-
tion

(3) The members of the Board who are not employed in the public service of Ontario shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. 1971, c. 34, s. 3, *part*.

Protection
from personal
liability

(4) No action or other proceeding for damages shall be instituted against the Director, any member of the Board, or anyone acting under the authority of such Director or member, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. *New*.

Notice of
proposal to
revoke or
refuse to
renew

7.—(1) Where the Director proposes to refuse to issue or renew or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board where
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

Extension
of time for
requiring
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.

Continuation
of licence
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of his licence, a licensee

has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 34, s. 3, *part.*

8.—(1) The Director, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of a hearing under section 7 shall afford the ^{Notice of hearing} applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(3) An applicant or licensee who is a party to proceedings under subsection 1 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. ^{Members holding hearing not to have taken part in investigation, etc.}

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. ^{Recording of evidence}

(6) The findings of fact of the Board pursuant to a ^{Findings of fact} hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971.* 1971, c. 47

Only
members at
hearing to
participate in
decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1971, c. 34, s. 3, *part.*

Appeal
to court

9.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1971, c. 34, s. 3, *part.*

Service of
notice

10. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. 1971, c. 34, s. 3, *part.*

11. The Minister may at any time during the course of the proceedings under sections 7 to 9 apply *ex parte* to a judge of the High Court by originating notice of motion for an interim order authorizing the Director to occupy and operate the nursing home under section 12 pending the outcome of the proceedings, and the judge may issue the order where, in the opinion of the judge, it is necessary for the health, safety or welfare of the residents in the nursing home. *New.*

12.—(1) Where the licensee's licence is revoked, and the revocation becomes final or where the nursing home is otherwise being operated without a licence, the residents or their legal representatives where the residents are unable so to do, shall arrange to vacate the premises as soon as it is practicable and the Director shall assist in finding alternative accommodation.

(2) For the purposes of arranging alternative accommodation under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act*, immediately occupy and operate the nursing home or arrange for the nursing home to be occupied and operated by a person or organization designated by him, for a period not exceeding six months, but all the rights of the licensee under that Act, except the right to possession, are preserved.

(3) Where the licensee's licence is revoked, the licensee and the administrator shall hand over to the Minister, or a person designated by him, all the records that are in their possession or control and that pertain to the residents of the nursing home. *New.*

13.—(1) Every nursing home shall have an extended care unit consisting of such facilities, services and bed capacity for extended care as are prescribed by the regulations.

(2) Where, in the opinion of the Director, special circumstances warrant reduction in the facilities, services or bed capacity required in an extended care unit under subsection 1, the Director may, by order, authorize the reduction of the said facilities, services or bed capacity to such amount, for such times and under such conditions as are specified in the order. *New.*

14. Where a licensee provides services that are insured services under *The Health Insurance Act, 1972*, payment therefor under the said Act, together with such co-payment, if any, as is prescribed by the regulations, shall be deemed payment in full for the services. *New.*

Appointment
of inspectors

15.—(1) The Minister may appoint such inspectors as are necessary for the purposes of this Act and the regulations and such appointments shall be in writing." R.S.O. 1970, c. 302, s. 12 (1), *amended*.

Certificate
of
appointment

(2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. *New*.

Inspection

16.—(1) An inspector may at any time enter upon the business premises of a nursing home to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where an inspector has reasonable and probable grounds to believe that any premises are being used as a nursing home without being licensed under this Act, the inspector may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on
inspection

(3) Upon an inspection under this section, the inspector,

(a) is entitled to free access to all books of account, documents, bank accounts, vouchers, correspondence and records, including medical and drug records, that are relevant for the purposes of the inspection; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

Admissibility
of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. R.S.O. 1970, c. 302, s. 12, *amended*.

Disclosure
to Minister

(5) Any record required to be kept under this Act or the regulations shall be made available to the Minister on request. *New*.

17. No person shall use the terms “nursing home” or “extended care home” or words of like import in connection with any premises unless he is licensed under this Act. *New.*

18. Any person who contravenes any provision of this Act or the regulations, except subsection 1 of section 12, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. R.S.O. 1970, c. 302, s. 13, *amended.*

19. The Lieutenant Governor in Council may make such regulations in respect of nursing homes as are considered necessary to carry out the purposes of this Act, and in particular,

- (a) defining the terms “intermediate nursing care”, “nursing care” and “extended care” for purposes of this Act and the regulations;
- (b) governing the services, care, facilities and amenities that nursing homes shall provide and governing and prescribing the staff requirements and duties of staff in respect of the care and services that shall be provided residents;
- (c) respecting the assessment and classification of residents for the purpose of determining the level of care required by residents;
- (d) respecting extended care units and the facilities and services to be provided therein and respecting the facilities and services that are to be provided for intermediate nursing care;
- (e) prescribing the percentage of the licensed bed capacity of the nursing home that is to be set aside for extended care standard ward and private and semi-private accommodation and prescribing the percentage of the licensed bed capacity of the nursing home that is to be set aside for intermediate nursing care standard ward and private and semi-private accommodation;
- (f) governing the construction, establishment, location, safety, equipment, maintenance and repair of and additions or alterations to nursing homes and respecting the information, plans and other material that are to be furnished to the Director;
- (g) respecting the management and operation of nursing homes;

- (h) respecting the officers, staff and employees of nursing homes and prescribing their duties, responsibilities and qualifications for employment;
- (i) requiring the bonding of the chief administrators of nursing homes in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;
- (j) requiring in-service training programs to be provided staff and employees;
- (k) prescribing the books, records and accounts that shall be kept by nursing homes;
- (l) requiring the accounts of nursing homes to be audited and requiring nursing homes to furnish such information or accounts as may be required by the Minister;
- (m) governing the reports and returns that shall be made to the Minister by licensees;
- (n) providing for the issuing of licences and prescribing the terms and conditions of licences and the fees payable therefor;
- (o) respecting and governing the admission, treatment, care, conduct, discipline and discharge of residents of nursing homes;
- (p) prescribing other duties of inspectors;
- (q) governing access to medical or drug records by specified persons for specified purposes;
- (r) prescribing the amounts that may be charged residents as co-payment with amounts payable under *The Health Insurance Act, 1972*;
- (s) prescribing the maximum amounts that may be charged residents in respect of private and semi-private accommodation;
- (t) regulating or prohibiting charges by nursing homes in respect of any amenity or facility required to be provided;
- (u) instituting a system for budgeting the annual expenditure of nursing homes and the payment by

the Province of all or any part of such budget in lieu of amounts payable under *The Health Insurance Act, 1972*; 1972, c. 91.

- (v) exempting designated nursing homes from specified provisions of this Act or the regulations;
- (w) prescribing forms for the purposes of this Act and providing for their use. R.S.O. 1970, c. 302, s. 14 (1), *amended*.

20.—(1) *The Nursing Homes Act*, being chapter 302 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 302, repealed

(2) *The Nursing Homes Amendment Act, 1971*, being chapter 34, is repealed. 1971 Act, repealed

21. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commencement

22. This Act may be cited as *The Nursing Homes Act, 1972*. Short title

CHAPTER 12

An Act to impose a Gift Tax

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Inter-
pretation

1. In this Act,

1. "aggregate taxable value" in relation to gifts made by a donor in a year, means the aggregate of the taxable value of each gift made by him in the year whether or not he was a resident of Ontario at the time he made the gifts;
2. "amount" means any money, right or thing expressed,
 - i. in the case of money in terms of the amount of money, or
 - ii. in the case of a right or thing, in terms of the value in terms of money of the right or thing;
3. "assessment" includes a reassessment;
4. "charitable organization" means,
 - i. an organization that, at the time a gift of which it is the donee is made, or within two years thereafter, is a registered Canadian charitable organization as that expression is defined in clause *c* of subsection 8 of section 110 of the *Income Tax Act* (Canada) other than a trust exempt from tax under Part I of that Act by clause *f* or *h* of subsection 1 of section 149 of that Act, and
 - ii. an organization that, at the time a gift of which it is the donee is made, or within two years thereafter, is prescribed as a charitable organization under the regulations;

R.S.C. 1970,
c. I-5

5. "common law wife" means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the making of a gift by a donor with whom she was residing, been publicly represented by the donor as his wife, and "common law husband" has a corresponding meaning;
6. "co-operating province" means another province of Canada that has been prescribed as a co-operating province under the regulations;
7. "corporation controlled by an individual" means a corporation that, at the time in respect of which the expression is being applied, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or of any other corporation or in any other manner whatever, by the individual or by any other person on behalf of the individual;
8. "disposition" includes any arrangement or ordering in the nature of a disposition, whether by one transaction or a number of transactions effected for the purpose, or in any other manner whatever;
9. "donee" means any person who receives or has received the benefit of a gift, including a gift deemed, for the purposes of this Act, to have been made;
10. "donor" means any individual who makes or has made a gift, including a gift deemed, for the purposes of this Act, to have been made;
11. "general power" includes any power or authority enabling the holder thereof either alone, or jointly with or with the consent of, any other person, to appoint, appropriate or dispose of property as he sees fit, whether exercisable by instrument *inter vivos* or by will, or both but does not include,
 - i. any power exercisable in a fiduciary capacity under a disposition not made by him except to the extent that, having regard to the fiduciary restrictions imposed upon him under the disposition, it is reasonable to regard the holder of the power as capable of conferring the property or any part thereof upon himself for his own benefit, or

- ii. any power exercisable as a mortgagee, or
 - iii. any power exercisable jointly with, or with the consent of, any other person,
 - (A) who has a substantial interest in the property to which the power relates, and
 - (B) whose interest in that property would be adversely affected by the exercise of the power in favour of the first-mentioned holder;
12. "gift" includes a transfer, assignment or other disposition of property, whether situated within or outside Ontario, by way of gift and, without limiting the generality of the foregoing, includes,
- i. the creation of a trust of, or an interest in, property by way of gift, and
 - ii. a transaction or transactions whereby a person disposes of property directly or indirectly by way of gift;
13. "individual" means a person other than a corporation;
14. "interest in expectancy" includes an estate or interest in remainder or reversion and any other future interest whether vested or contingent, but does not include a reversion expectant on the determination of a lease;
15. "Minister" means the Minister of Revenue;
16. "municipality" means a corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes;
17. "prescribed" in the case of a form or the information to be given on a form, means prescribed by the Minister, and, in any other case means prescribed by the regulations;
18. "property" means property of every description whatever, whether real or personal, movable or immovable, or corporeal or incorporeal, and, without

restricting the generality of the foregoing, includes any estate or interest in any such property, a right of any kind whatever and a chose in action;

19. "real property" includes any estate, interest or right to or in land, but does not include a mortgage secured by real property;
20. "regulations" means regulations made under this Act;
21. "resident" means a person who resides in Ontario at the time of the making or receiving of a gift in respect of which the residence of the person is material, but, where a person has more than one place of residence at that time, he shall not be regarded as residing within Ontario unless his principal residence is within Ontario, and "resident" where used in reference to a resident of another province, state or country, has a corresponding meaning in respect of that other province, state or country;
22. "settlement" includes,
 - i. any trust, whether expressed in writing or otherwise, in favour of any person, and, if contained in a deed or other instrument effecting the settlement, whether or not the deed or other instrument was made for valuable consideration as between the settlor and any other person, and
 - ii. any deed or other instrument under or by virtue of which a usufruct or substitution is created or any real property stands limited to any person by way of succession;
23. "shareholder" includes any person who is entitled to receive payment of a dividend from or in respect of a share in the capital stock of a corporation;
24. "spouse" includes a common law wife or common law husband;
25. "tax" means tax payable under this Act;
26. "taxable value", in relation to a gift, means,
 - i. in the case of a gift that is exempt from tax, nil, and

- ii. in any other case, the value of the gift minus any deductions therefrom permitted under this Act;

27. "value",

- i. in relation to any income, right, annuity, term of years, life or other similar estate or interest in expectancy, means the value thereof, before any allowance or deduction is made for or on account of income tax, ascertained in a manner and in accordance with rules and standards, including standards as to mortality and interest, prescribed by the regulations, and

- ii. in relation to any other property, means the fair market value of the property,

computed in each case as of the date on which the gift comprising the income, right, annuity, term of years, life or other similar estate, interest in expectancy or property is made without regard to any increase or decrease in the value after that date;

28. "year" means the calendar year.

2.—(1) For the purposes of this Act,

Persons
connected
by blood
relation-
ship, etc.

- (a) persons are connected by blood relationship if one is a lineal descendant of the other or one is the brother or sister of the other;
- (b) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other; and
- (c) persons are connected by adoption if one has been adopted as the child of the other or as the child of a person who is so connected by blood relationship (otherwise than as a brother or sister) to the other.

(2) A reference in this Act to "the part of any tax payable or tax otherwise payable that is applicable to any particular gift the taxable value of which is included in the aggregate taxable value of gifts made by the donor in a year" shall be construed as a reference to that part of the total tax payable by the donor on or in respect of gifts made in that year that bears the same proportion to the total

Reference
to tax
applicable
to any
property

tax so payable as the taxable value of that gift bears to the aggregate taxable value of all gifts made by the donor in that year.

Reference
to tax
otherwise
payable

(3) A reference in any provision of this Act to “tax otherwise payable” shall be construed as meaning the tax payable under this Act without giving effect or having regard to the provision in which the reference occurs.

Reference
to property
substituted

(4) For the purposes of this Act, a reference to “property substituted for any other property” refers to property acquired by one or more transactions effecting one or more substitutions.

Arm's length

(5) For the purposes of this Act, persons shall be deemed to be dealing at arm's length when each stands upon the strict letter of his rights and conducts his business in a formal manner without trusting to the other's fairness or integrity and without being subject to the other's control or overmastering influence.

Deemed
gifts

3. For the purposes of this Act, a person shall be deemed to make a gift in a taxation year where, in the year and otherwise than by his will, he,

(a) transfers or settles property, except a right under a marriage contract, to or upon any person,

(i) in consideration of marriage, or

(ii) on account or in satisfaction of, an obligation assumed by him in consideration of marriage; or

(b) disposes of property to any person, other than property disposed of to a corporation licensed or otherwise authorized under the laws of Canada or a province of Canada to carry on in Canada an annuities business, under an arrangement made in the ordinary course of a business carried on by that corporation, under an arrangement or understanding whereby the person to whom the disposition is made undertakes to purchase or provide for or for the use or benefit of the individual an annuity or other periodic payment for life or any other period determinable by reference to death; or

(c) exercises, whether partially or completely, any general power of which he was the donee or other holder; or

- (d) confers a benefit by disposing of a right to restore to himself or to reclaim any property; or
- (e) directs or concurs in the payment or transfer of property to another person as a benefit that the individual desired to have conferred on that other person to the extent that, for the purposes of the *Income Tax Act* (Canada), the payment or transfer would, by virtue of subsection 2 of section 56 of that Act, have been included in the income of the individual for that year if the payment or transfer of the property had been made to the individual; or
- (f) disposes of any right to income, or other benefit retained in property which has previously been disposed of by him by gift *inter vivos* or in property substituted for any of the property comprising the gift.

R.S.C. 1970,
c. 1-5

4.—(1) A debt or other right that, by virtue of the operation of any statute or law limiting the time for bringing action thereon, became unenforceable by a person as against any other person or property of any other person with whom, at the time the debt or right became unenforceable, he was not dealing at arm's length, shall, to the extent of the value of the debt or right immediately before becoming unenforceable, determined without reference to the effect of the statute or law, be deemed to be property disposed of by the first-mentioned person under a disposition operating as an immediate gift made to that other person at the time the debt or right became unenforceable, unless the debt or right is paid, honoured or acknowledged before, or within ninety days after, the date on which any assessment of tax in respect thereof is sent under section 23.

Deemed
gift where
debt
becomes
unenforce-
able

(2) For the purposes of this Act,

Creation or
extinguish-
ment of debts

- (a) the artificial creation by an individual or with his consent of a debt or other right enforceable against him personally or against property of which he was or might be competent to dispose, or to charge or burden for his own benefit, shall be deemed to be a gift made by that individual at the time of the creation of the debt or right, and, the value of the gift is the value of the benefit conferred by the creation of the debt or right; and
- (b) the extinguishment by an individual or with his consent, of a debt or other right enforceable by him shall be deemed to be a gift made by that individual

immediately prior to the extinguishment of the debt or right, and, the value of the gift is the value of the benefit conferred by the extinguishment of the debt or right.

Expiry
of rights
to shares

(3) For the purposes of this Act, where an individual allows his rights to purchase shares in a corporation controlled, whether directly or indirectly and whether through holding a majority of shares of the corporation or any other corporation or in any other manner whatever, by him, or by one or more persons connected with him by blood relationship, marriage or adoption, or by him and such one or more persons, or by any other person on his or their behalf, to expire and thereby allows his interest in or control of the corporation to be reduced, the individual shall be deemed to have made a gift, to the extent that the value of his interest in or control of the corporation was reduced, to the other shareholders *pro rata* on the basis of their holdings of shares after the expiry of the right to purchase shares.

Indirect
gifts

5.—(1) For the purposes of this Act, where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatever is that an individual confers a benefit on another person, the individual shall be deemed to have made a gift to that other person equal to the amount of the benefit conferred notwithstanding the form or legal effect of the transactions or that one or more other persons were also parties thereto, and whether or not there was an intention to avoid or evade taxes under this Act.

Where
transaction
at arm's
length

(2) Where it is established that a sale, exchange or other transaction was entered into by persons dealing at arm's length, *bona fide* and not pursuant to, or as part of, any other transaction and not to effect payment, in whole or in part, of an existing or future obligation, no party thereto shall be regarded, for the purpose of subsection 1, as having conferred a benefit on a party with whom he was so dealing.

Gifts
through
corporations

(3) For the purposes of this Act, a gift made by a corporation controlled by an individual to or for the benefit of a person connected with the individual by blood relationship, marriage or adoption shall be deemed to be a gift made by the individual, and he shall be deemed to be the donor of the gift and, in relation to the gift, any act or thing done or effected by the corporation shall be deemed to have been done or effected, in all respects as though the corporation were the individual.

6. For the purposes of this Act, where an individual makes a loan to, or disposes of property to, a person with whom he is not dealing at arm's length in consideration of a promise or covenant to pay money, with or without interest, at a time in the future, the value of the promise or covenant to pay shall be discounted at a rate of interest prescribed in the regulations.

Promises
to pay as
considera-
tion

7.—(1) An individual shall not be deemed to have made a gift in a taxation year by reason only of his having made, in that year, a marriage contract.

Making of
marriage
contract

(2) An amount paid by an individual to his spouse who is living apart from the individual, or his former spouse, as or toward the maintenance of the spouse or former spouse shall be deemed not to be a gift to the spouse or former spouse if the amount is not excessive, having regard to the legal and moral obligations of a person to his spouse or former spouse, notwithstanding that the individual was not under any legal obligation to pay the amount.

Payments
to spouse

(3) Where property is acquired pursuant to a purchase made from an individual by a purchaser with whom the individual was not dealing at arm's length, for a consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, the individual shall be deemed not to have made a gift of that property to the purchaser unless the purchase was made otherwise than for full consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, in which case he shall be deemed to have made a gift of the property acquired to the extent that the value of the property so acquired exceeds the amount of the consideration actually so paid or agreed to be paid.

Property
disposed of
for con-
sideration

(4) For the purposes of subsection 3, where any property has been disposed of by an individual under an arrangement or understanding described in clause *b* of section 3, the property shall be deemed to have been acquired pursuant to a purchase made from the individual for a consideration in money or money's worth paid or agreed to be paid to the individual for his own use or benefit, but

Annuity,
etc., as
considera-
tion

- (a) if the yearly amount of the annuity or other periodic payment referred to in clause *b* of section 3 does not exceed 5 per cent of the value of the property so disposed of, the amount of the consideration shall be deemed to be nil; and
- (b) if the yearly amount of the annuity or other periodic payment exceeds 5 per cent of the value of the

property disposed of, the amount of the consideration shall be deemed to be that amount which is calculated in accordance with the formula set out in Schedule II.

Tax on
resident
donor

8.—(1) Subject as herein otherwise provided, where a donor who is a resident makes gifts in any year, he shall pay tax in respect of the gifts made in that year calculated in accordance with Schedule I on the basis of the aggregate taxable value of gifts made by him in that year.

Tax on
gifts of
real
property

(2) Subject as herein otherwise provided, where a donor who is not a resident makes gifts in any year of real property situated within Ontario, tax calculated in accordance with Schedule I on the basis of the aggregate taxable value of gifts made in that year shall be paid on the subject-matter of the gifts.

Payment of
tax to
Minister

9. Each donor liable to pay tax under subsection 1 of section 8, and each donor of gifts of real property on which tax is payable under subsection 2 of section 8, shall pay the tax to the Treasurer of Ontario.

Exempt
gifts

10. The following gifts are exempt from tax under this Act,

- (a) a *donatio mortis causa*;
- (b) a testamentary gift or a gift made so that no person except the donor is entitled before the death of the donor to possess for his own benefit or for the benefit of any other person other than the donor any of the property or any property substituted for any of the property comprising the gift, or receive or otherwise obtain the use of any of the income therefrom;
- (c) an absolute and indefeasible gift to the Crown in right of Canada;
- (d) an absolute and indefeasible gift to the Crown in right of a province of Canada;
- (e) an absolute and indefeasible gift to a municipality in Canada;
- (f) an absolute and indefeasible gift to a charitable organization;
- (g) an absolute and indefeasible gift, except a gift made by the creation of a settlement or the transfer of property to a trust, made by the donor to his spouse.

Deductions
in computing
taxable
value

11.—(1) In computing the taxable value of a gift, except a gift made by the creation of a settlement or the transfer of

property to a trust, made by a donor in a year to a donee who is an individual, there may be deducted in the case of gifts made to persons, other than the spouse of the donor, the lesser of,

- (a) the value of the gift; or
- (b) the amount, if any, by which two thousand dollars exceeds the value of all other gifts, except gifts that are exempt from tax under this Act and gifts made by the creation of a settlement or the transfer of property to a trust, made by the donor to the donee in the year and before the time when the gift was made,

but in any year not more than an aggregate of \$10,000 may be deducted under this section from the taxable value of gifts made by the donor in that year.

(2) Where, in any year, an individual made a gift by the creation of, or the transfer of property to, a trust, and

Gifts deemed not made by creation of trust

- (a) there is only one beneficiary under the trust, other than persons who may receive, use, or enjoy any of the properties subject to the trust or any of the income therefrom only in the event of the death of that beneficiary before attaining such age, not exceeding forty years, as is specified in the instrument creating the trust; and
- (b) that beneficiary was an individual who was living at the time when the gift was made,

the gift shall be deemed, for the purposes of subsection 1 only, not to be a gift made by the creation of, or the transfer of property to, a trust, and shall be deemed to be a gift to that beneficiary.

12. Where in any year a resident makes a gift of real property that is not situated within the Province of Ontario there shall be deducted from the tax otherwise payable by him on that property the lesser of,

Credit for gifts of real property outside Ontario

- (a) any tax otherwise payable under this Act on that real property; or
- (b) the amount of any gift tax payable on that real property under the laws of the jurisdiction in which the real property is situated.

No allowance
for income
taxes

13.—(1) For the purposes of this Act, in determining the value of a gift of any income right, annuity, term of years, life or other similar estate or interest in expectancy, no allowance or deduction shall be made for or on account of income tax that may be or become payable on or in respect thereof.

Where
income tax
not to be
considered

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(2) Where a gift includes securities, or any business or any interest in any business, in valuing the security or the business or the interest in the business for the purposes of this Act, the fact that tax under the *Income Tax Act* (Canada) or any similar tax may be or become payable by reason of, or in respect of, the payment or distribution of any accumulated surplus or other property shall not be taken into consideration unless, and to the extent only that, the payment or distribution is necessary and made for the purpose of raising money to pay tax under this Act.

Listed
securities

14.—(1) For the purposes of this Act, except as hereinafter otherwise provided, the value of any security that is listed on a stock exchange, or in the case of any security not so listed, on which a price or quotation is obtainable from a recognized financial journal or financial report or from a registered broker, shall be deemed to be the closing price or quotation of that security on the day as of which the value is required to be computed, or, if there was no closing price or quotation on that day, on the last preceding day on which there was a closing price or quotation.

Application

(2) Subsection 1 does not apply in determining the value of any security on which no closing price or quotation is obtainable as provided in subsection 1, or in determining the value of,

(a) any share in or in the capital stock of; or

(b) any other security in the nature of an interest in or right to any of the proceeds, profits, capital assets or other assets of,

any corporation, association, partnership or syndicate that, immediately prior to the making of a gift in respect of which the value is material, was controlled, whether through holding a majority of the shares thereof or other voting interest therein or in any other manner whatever, by the donor, by the donor and one or more persons connected with him by blood relationship, marriage or adoption, or by any other person on his or their behalf.

Definition
of security

(3) In this section, “security” includes a bond, debenture, guaranteed investment, share, stock, debenture stock, syn-

dicare unit, right to subscribe for or purchase shares or stocks and right to royalties, but does not include a mortgage or hypothec.

15.—(1) Where, immediately before the making of a gift of shares in the capital stock of a corporation by a donor, there belonged to the donor and one or more persons connected with him by blood relationship, marriage or adoption, or deemed to be connected with him by virtue of subsection 2, shares in the capital stock of the corporation sufficient in number to control the corporation, under such circumstances that the shares in the capital stock of the corporation that belonged to the donor alone were not sufficient in number to control the corporation, the value of the shares comprising the gift shall, unless it is established that the donor and such one or more other persons were persons dealing with each other at arm's length, be determined, for the purposes of this Act, as though each share comprising the gift formed part of a group of shares that, immediately before the making of the gift, belonged to the donor and were sufficient in number to control the corporation.

(2) For the purposes of subsection 1, a corporation, hereinafter in this subsection called "the first corporation", that, immediately before the making of a gift, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the first corporation or of any other corporation, or in any other manner whatever,

- (a) by the donor; or
- (b) by one or more persons connected with the donor by blood relationship, marriage or adoption; or
- (c) by any other corporation that was, immediately before the making of the gift, controlled, whether directly or indirectly and whether through holding a majority of the shares of that other corporation or any other corporation, or in any other manner whatever, by the donor or by one or more persons connected with him by blood relationship, marriage or adoption, or by the donor and such one or more other persons or by any other person on his or their behalf; or
- (d) by the donor and such one or more other persons and corporations described in clause c, or by the donor and any combination of such persons and corporations, or by any other person for or on his or their behalf,

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and any subsidiary controlled corporation, as that expression is defined in subsection 1 of section 248 of the *Income Tax Act* (Canada), of the first corporation; shall be deemed to be a person connected with the donor.

Debts
owing by
certain
persons

16.—(1) Where, at the time of the making of a gift by a donor of a debt that was owing to the donor at that time, the debt was owing to him,

- (a) by any person connected with him by blood relationship, marriage or adoption; or
- (b) by any corporation that, at that time, was controlled, whether directly or indirectly and whether through holding a majority of the shares of the corporation or of any other corporation or in any other manner whatever, by the donor, by one or more persons connected with him by blood relationship, marriage or adoption, by the donor and such one or more other persons, or by any other person on his or their behalf,

the value of the debt shall, unless it is established that at the time of the creation of the debt the donor and the debtor were persons dealing with each other at arm's length, be determined for the purposes of this Act as though the amount thereof outstanding at the time of the making of the gift had, at that time, become due and payable to him.

Debt
defined

(2) In this section, "debt" means a debt of any kind whatever, whether secured or unsecured, and whether under seal or otherwise, and includes a bill of exchange or promissory note, whether negotiable or otherwise.

Valuation
of deemed
gifts

17. The value of a gift deemed to be made under section 3 shall be deemed to be,

- (a) in the case of clause *a* of section 3, the value of the property transferred or settled at the time of the transfer or settlement;
- (b) in the case of clause *c* of section 3, the value, at the time of the exercise of the general power, of the benefit obtained by persons other than the grantor or the holder of the general power as a consequence of its exercise;
- (c) in the case of clause *d* of section 3, the value of the benefit referred to in that clause at the time of the disposition;

- (d) in the case of clause *e* of section 3, the amount or value of the payment or transfer to the extent referred to in that clause; and
- (e) in the case of clause *f* of section 3, the value, at the time of the disposition of the right to income or other benefit, of the property, including any property substituted for any of the property comprising the gift previously disposed of, minus the amount, if any, of the consideration received by him in respect of the disposition of the right to income or other benefit.

18.—(1) Every donor who makes a gift in any year other than, ^{Returns}

- (a) a gift exempt from tax under section 10; or
- (b) a gift made to an individual having a value of less than \$2,000 if the aggregate value of gifts made to individuals by the donor in the year does not exceed \$10,000,

shall, without any demand therefor, file with the Minister on or before the 30th day of April in the next succeeding year a return in the prescribed form.

(2) Whether or not he is liable to pay any tax under this Act in respect of any gift, and whether or not a return has been filed under subsection 1, every person shall, on demand by registered letter from the Minister, file a return in the prescribed form with the Minister, within such time as is specified in the demand. ^{Demand for return}

19. A return required under section 18 shall be in a form prescribed by the Minister and shall contain the information prescribed by the Minister. ^{Form of return}

20. Every person filing a return with the Minister under this Act shall, in the return, estimate to the best of his knowledge and ability the amount of any tax payable under this Act on or in respect of gifts made by him in the year to which the return relates. ^{Estimate of tax}

21.—(1) The Minister may, for any reason satisfactory to him, extend for such reasonable time as is specified by him, the time for filing any return required under this Act to be filed with him. ^{Extension of time for filing return}

(2) Where the Minister refuses to extend the time for filing a return required to be filed by any person under this Act, or the person required to file a return under this Act is not satisfied with an extension of time granted by the Minister under subsection 1, the person required to file the return may apply to a judge of the Supreme Court to extend ^{Appeal for extension of time}

the time or to extend further the time, as the case may be, for filing the return, and the judge may, as he thinks reasonable,

(a) refuse to extend the time, or extend further the time, for filing the return; or

(b) extend the time, or extend further the time, for filing the return for such period as he may fix.

Failure
to file
return

(3) Every person required to file a return under section 18 who fails to file the return within the time fixed or allowed for the filing of the return is liable to a penalty, to be assessed by the Minister, not exceeding \$10 for each day during which the failure continues.

Assessment

22.—(1) The Minister shall examine each return filed with him and assess the amount of tax, interest and penalties, if any, payable under this Act on or in respect of the gifts to which the return relates.

Assessment
where no
return
filed

(2) Notwithstanding that a return has not been filed by a donor in respect of gifts made by him in any year, the Minister may assess the amount of tax, interest and penalty, if any, payable under this Act on or in respect of gifts made by the donor in that year.

Notice of
assessment

23.—(1) After making an assessment under section 22, the Minister shall send a notice of assessment to the donor, and, if a donee is liable to pay any tax on or in respect of any gift to which the assessment relates, to the donee.

Notice to
one donee

(2) Where the Minister sends a notice of assessment to one donee in respect of the tax payable on or in respect of a gift made jointly to two or more donees, the Minister shall be conclusively deemed to have sent a notice of assessment to each of the donees to whom the gift was made.

Effect of
assessment

24. Liability for tax under this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Reassessment

25.—(1) The Minister may, at any time, assess tax, interest or penalties payable under this Act on or in respect of gifts made by a donor in any year, or notify in writing any person by whom any return is filed that no tax is payable on or in respect of gifts made by a donor in any year, and may,

(a) at any time, if the person by whom any return is filed,

(i) has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud in filing

any return or in supplying any information under this Act, or

- (ii) has filed with the Minister a waiver in prescribed form either before or within four years after the day of mailing of the notice of an original assessment or of a notification that no tax is payable under this Act on or in respect of gifts made by the donor in that year; and
- (b) in any other case within four years after the day of mailing the notice of the original assessment or of a notification that no tax is payable on or in respect of gifts made by a donor in that year,

reassess or make additional assessments, or assess tax, interest or penalties under this Act, as the circumstances require.

(2) Notwithstanding subsection 1, for the purposes of any reassessment, additional assessment, or assessment of tax, interest and penalties payable under this Act that is made under subsection 1 after the expiration of four years from the day referred to in subclause ii of clause *a* of subsection 1, there shall not be included in computing the aggregate taxable value of gifts made by a donor, or in computing the value of a gift to a donee, any amount that was not included for the purposes of an assessment of tax, interest and penalties that was made before the expiration of four years from that day and,

- (a) in respect of which the person liable to pay the tax, interest and penalties establishes that the failure so to include it did not result from any misrepresentation that is attributable to his neglect, carelessness or wilful default, or from any fraud committed by him, in filing a return or supplying any information under this Act; or
- (b) that the person establishes cannot reasonably be regarded as relating to a matter specified in a waiver filed by him with the Minister within the time referred to in subclause ii of clause *a* of subsection 1.

26. The Minister is not bound by a return or information supplied by or on behalf of any person and may, notwithstanding any returns or information supplied, or if no return has been filed, make the assessment contemplated under this Act.

27. An assessment shall, subject to being varied or vacated on an objection or appeal, if any, in accordance with this Act,

and subject to reassessment, be conclusively deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Objection to
assessment

28.—(1) Where a donor or donee objects to an assessment of the tax payable on or in respect of any gift made by a donor, he may, within ninety days after the day of mailing the notice of assessment sent by the Minister under section 23, serve on the Minister a notice of objection to the assessment in duplicate and in prescribed form, setting out the reasons for the objection and all facts relevant thereto.

Service of
notice

(2) A notice of objection under this section shall be served by registered mail addressed to the Minister.

Reconsidera-
tion

(3) Upon receiving a notice of objection, the Minister shall with all due dispatch reconsider the assessment to which the objection is made and vacate, confirm or vary the assessment or reassess, and the Minister shall thereupon, by registered mail, notify the person by whom the objection was taken of his action.

Validity
of reassess-
ment

29. A reassessment made by the Minister under section 28 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or of a notification described in section 25.

Appeal

30.—(1) Where a person has, under section 28, served on the Minister a notice of objection to an assessment, he may, after,

- (a) the Minister has confirmed or varied the assessment or reassessed; or
- (b) 180 days have elapsed after service of the notice of objection and the Minister has not notified him that he has vacated, confirmed or varied the assessment or has reassessed,

appeal the assessment or reassessment to the Supreme Court by way of originating notice of motion.

Time limit
for appeal

(2) Subject to section 32, no appeal under subsection 1 shall be instituted by any person after ninety days from the day notice was mailed to that person by the Minister under subsection 3 of section 28.

Powers of
court

(3) On an appeal under subsection 1, the court or a judge may set aside or vary the assessment in respect of which the appeal is instituted.

31. An assessment shall not be set aside or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act. Irregularities

32.—(1) Where no objection to an assessment under section 28, or appeal to the Supreme Court under section 30, has been made or instituted within the time limited by section 28 or 30, as the case may be, for doing so, an application may be made to a judge of the Supreme Court, with notice to the Minister, for an order extending the time within which a notice of objection may be served or an appeal instituted, and the judge may, if in his opinion the circumstances of the case are such that it is just and equitable to do so, make an order extending the time and may impose such terms and conditions as he deems just. Application for extension of time

(2) An application made under subsection 1 shall set out the reasons why it was not possible to serve the notice of objection or institute the appeal within the time otherwise limited by this Act for so doing. Reasons for delay

(3) No order shall be made under subsection 1 unless, When order not to be made

(a) the application is made within one year of the expiration of the time for the extension of which the application is made;

(b) a judge of the Supreme Court has not previously made an order extending the time; and

(c) the judge hearing the application is satisfied that,

(i) but for the circumstances mentioned in subsection 1, an objection or appeal would have been made or instituted within the time limited,

(ii) the application was made as soon as circumstances permitted, and

(iii) there are reasonable grounds for objecting to or appealing from the assessment.

33. Liability to pay any tax within the time specified in this Act for payment thereof is not affected by the fact that an objection to or appeal from any assessment by the Minister is outstanding. Effect of objection or appeal

34.—(1) Where a donor fails to pay, as herein required, all or a portion of the tax payable by him on or in respect of gifts Liability of donee for tax

made by him in a year, in this section referred to as the "donor's tax for that year", each donee who received gifts from the donor in that year and who is a resident of Ontario at the time the gift was made is liable to pay to the Treasurer of Ontario within thirty days after the day of mailing a notice of assessment of the donor's tax for that year, tax in an amount that bears the same proportion to the donor's tax for that year as,

- (a) the taxable value of all gifts made to the donee in that year by the donor;

bears to

- (b) the sum of the donor's tax for that year and the aggregate taxable value of gifts made by the donor in that year, in this section referred to as the "donor's aggregate for that year".

Effect of
payment by
donee

(2) Where a donee makes a payment on account of the tax payable by him in respect of a gift made to him in a year, the liability of the donor of the gift for tax payable on or in respect of gifts made by him in that year is discharged by the amount that bears the same proportion to the payment made by the donee for that year as,

- (a) the donor's aggregate for that year;

bears to

- (b) the aggregate taxable value of gifts made by the donor in that year.

Effect of
payment
by donor

(3) Where a donor makes a payment on account of the donor's tax in that year, the liability of the donee of a gift made by the donor in that year for tax payable on or in respect of the gift is discharged by an amount that bears the same proportion to the amount determined under subsection 4 as,

- (a) the amount of the liability, immediately before the payment, of the donee for tax on or in respect of all gifts made to him by the donor in that year;

bears to

- (b) the aggregate of the liabilities, immediately before the payment, of all donees for tax on or in respect of all gifts made to them by the donor in that year.

Amount
referred
to in sub-
section 3

(4) For the purposes of subsection 3, the amount determined under this subsection is an amount that bears the same proportion to the payment referred to in subsection 3 as,

- (a) the aggregate taxable value of all gifts made by the donor in the year;

bears to

- (b) the donor's aggregate for that year.

(5) For the purposes of this section, a payment made on account of a person's liability for tax shall, to the extent of the lesser of, Payments deemed applied against tax

- (a) the amount of the payment; or

- (b) that person's liability for tax at the time of payment,

be deemed to be a payment on account of tax and not on account of interest or penalties in respect thereof.

(6) Where, for the purposes of calculating the taxable value of gifts made by a donor in a year, the donor has or is entitled, by virtue of subsection 1 of section 11, to deduct an aggregate of \$10,000, in determining the taxable value of a gift of the class described in subsection 1 of section 11 for the purpose of calculating the liability of the donee of the gift under subsection 1, Apportioning deduction under section 11 (1)

- (a) the \$10,000 deduction minus any deduction mentioned therein, shall be apportioned *pro rata* among the donees of gifts of the class described in subsection 1 of section 11 made by the donor in that year on the basis of the total value of those gifts made to each donee except that not more than \$2,000 shall be apportioned to the gifts made to any one donee under this clause; and
- (b) the taxable value of those gifts received by each donee shall be determined as the value of the gifts less the portion of the deduction apportioned to that donee.

35.—(1) Where a donor makes a gift by the creation of, or the transfer of property to, a trust, the trustee thereof shall not pay, deliver, transfer or assign any property to the beneficiaries of the trust under the trust unless, Trustee to deduct tax

- (a) he deducts therefrom any tax, interest and penalties payable on or in respect of the property; or
- (b) he collects from the donor or the beneficiary any tax, interest and penalties payable on or in respect of the property; or

- (c) he is satisfied from evidence produced to him that any tax, interest and penalties payable on or in respect of the property have been paid; or
- (d) the Minister has consented in writing to the trustee paying, delivering, transferring or assigning the property to the beneficiaries.

Remitting
of tax by
trustee

(2) Every trustee who has deducted or collected tax, interest and penalties under subsection 1 shall forthwith remit the tax, interest and penalties to the Treasurer of Ontario, and for the purposes of the deduction, collection and remitting of the tax, interest and penalties, the trustee is a public officer within the meaning of *The Financial Administration Act*.

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c. 166

Offence

(3) Every trustee who fails to comply with subsection 1 or 2 is guilty of an offence and liable, on summary conviction, to a fine equal to the amount of tax, interest and penalties payable on or in respect of the property paid, delivered, transferred or assigned or of the money he failed to remit, as the case may be.

Defence

(4) No person is guilty of an offence under subsection 3 if he has deducted or collected, and remitted, an amount set out in a notice of assessment of tax, interest and penalties payable on or in respect of the property paid, delivered, transferred or assigned, sent by the Minister under section 23.

Liability
of trustee

(5) Where a donor makes a gift by the creation of, or the transfer of property to, a trust, the trustee is not liable for any tax payable on or in respect of the property by reason of his position of trustee, but nothing in this subsection exempts the trustee who is a beneficiary of the trust from payment of tax, interest and penalties payable by him as donee or from complying with subsections 1 and 2.

Action
against
trustee

(6) No action lies against a trustee for deducting and remitting any amount under the authority of, or in compliance with, this section.

Time for
payment
of tax

36.—(1) Unless the Minister demands payment of the tax at an earlier time under section 45, tax payable on or in respect of gifts made by a donor in a year is payable on or before the 30th day of April in the next following year.

Time for
payment of
penalties

(2) Penalties assessed under this Act are payable thirty days after the date on which the notice of assessment therefor is sent by the Minister under section 23.

Time for
payment of
interest

(3) Interest on tax payable under this Act is payable as it accrues.

37. Notwithstanding the provisions of this Act respecting the time within which payment of tax, interest and penalties shall be made, where the Minister is satisfied that payment of tax, interest and penalties cannot, without undue hardship or excessive sacrifice, be made within the time within which payment thereof is required to be made, the Minister may defer the time for payment thereof, or any part thereof, for such period, on such terms and on payment of such interest, not exceeding 5 per cent per annum, as to him seems equitable and proper.

38. Where tax or a penalty is not paid within the time specified in this Act for payment thereof, interest at a rate prescribed by the regulations, calculated from the time when the payment became due and compounded annually, shall be paid by the person liable to pay the tax on the amount of tax from time to time unpaid.

39. Every person who wilfully, in any manner, evades or attempts to evade payment of tax payable is liable to a penalty to be assessed by the Minister of 25 per cent of the amount of tax evaded or sought to be evaded.

40. Every person who, knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return of information, statement or answer filed or made as required by or under this Act, or the regulations, as a result of which the tax that would have been payable if the tax had been assessed on the basis of the information provided in the return, statement or answer is less than the tax payable, is liable to a penalty to be assessed by the Minister of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable in addition to any tax, interest or penalty otherwise provided in this Act.

41. Where a person is liable to a penalty under section 40 in respect of any statement or omission in a return, or in any statement or answer filed or made as required by or under this Act or the regulations, he is not liable to any penalty under section 39 in respect of the same statement or omission.

42.—(1) The Minister, upon proof to his satisfaction that an overpayment of tax has been made by any person,

- (a) may, at any time, whether or not application has been made by that person; and

(b) shall, if application therefor has been made in writing within four years after the later of,

(i) the day the overpayment arose, or

(ii) the day on or before which payment of the tax in respect of which the overpayment arose was required to be made,

refund the amount of the overpayment.

Interest
on over-
payment

(2) Where an amount in respect of an overpayment is refunded, interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

(a) the day the overpayment arose; or

(b) the day on or before which the payment of the tax in respect of which the overpayment arose was required to be made; or

(c) the day on which the time fixed under subsection 1 of section 18 for filing a return relating to the tax expired,

and ending with the day the refund was made.

Refund after
variation of
assessment,
etc.

(3) Where, by any decision of the Minister under section 28, or any decision of the Supreme Court, it is finally determined that the amount payable by any person as tax is less than the amount assessed by the assessment to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 2 on the amount of that overpayment shall be computed at the rate prescribed in the regulation for the purpose of section 38 instead of 3 per cent per annum.

Definition
of over-
payment

(4) In this section, "overpayment" means the aggregate of all amounts paid by a person as tax or as interest or penalties, less the aggregate of all amounts payable by that person as tax, interest or penalties, or any amount so paid where no amount is so payable.

Debt to
the Crown

43. All tax, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty in right of Ontario and are recoverable as such in any court of competent jurisdiction or in any other manner provided under this Act.

44. The Minister may issue a warrant, directed to the sheriff of any county or district in which any property of a person liable to pay tax, penalty or interest under this Act, is located or situate, for the amount of the tax, penalty or interest or any of them owing by the person, together with interest thereon from the date of issue of the warrant and the costs, expenses and bonding of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

45.—(1) Where the Minister has reason to suspect that a person by whom tax, interest or penalties are payable or will become payable is about to leave Ontario, or that a person outside Ontario by whom tax, interest or penalties are payable or will become payable is about to remove or cause to be removed from Ontario, property comprising a gift, the Minister may, before the day otherwise fixed for payment, by notice served on, or sent by registered mail addressed to that person, demand payment of the tax, interest and penalties payable or that will become payable by that person, and the same is payable forthwith notwithstanding any other provision of this Act.

(2) Where a person fails to pay tax, interest or penalties demanded under subsection 1 as required, the Minister may direct that the property other than real property of that person be seized.

(3) Property seized under subsection 2 shall be kept for a period of twenty days or such further period, not exceeding thirty days, as may be specified by the Minister, at the cost and charges of the owner, and, if the owner does not pay the tax, interest and penalties payable by him, together with such costs and charges as are incurred in the seizure and keeping of the property, within that period or extended period the property seized shall, unless otherwise ordered by the Minister, be sold by public auction.

(4) Except in the case of perishable goods, notice of the sale, setting forth the time and place thereof together with a general description of the property to be sold, shall, at a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation.

(5) Any surplus resulting from a sale under this section after deduction of the tax, interest and penalties owing and all costs and charges incurred in the seizing, keeping and sale of the property shall, as soon as possible after the sale, be paid to the owner of the property seized.

Exempt
property

(6) Any property of any person in default that would be exempt from seizure under a writ of execution issued out of a court in Ontario is exempt from seizure and sale under this section.

Lien
for tax

46. Any amount payable as tax, interest or penalties under this Act by any person is a lien in favour of the Crown against all property, other than real property, owned by that person, and the lien may be enforced by seizure and sale in the manner prescribed in section 45.

Lien on
real
property

47.—(1) Where tax, interest or penalties are payable by any person under this Act, the Minister may file or cause to be filed in the proper registry office or office of land titles, as the case may be, a certificate of lien in prescribed form against real property of which that person is the registered owner setting out a description of the real property and the amount of tax, interest and penalties owing by that person, and, upon the certificate being filed, the interest of that person in the land described therein is subject to a lien in favour of the Crown for the amount owing, subject to any other interests or encumbrances filed prior thereto, and the lien may be enforced in the same manner as a judgment of the Supreme Court in respect of which a certificate of judgment has been filed.

Withdrawal
of lien

(2) Upon application therefor made to the Minister, in any case where subsequent to the filing of any certificate of lien under subsection 1, the lien is discharged or withdrawn, whether by payment in full of the amount thereof or in any other manner, the Minister shall issue to the person by whom the application is made a certificate of discharge or withdrawal of the lien.

Security
for payment

48. The Minister may, if he considers it advisable in a particular case, accept security for payment of tax, interest or penalties under this Act by way of a mortgage or other charge on property of the person by whom the tax, interest or penalties are payable, or on property of any other person, in the form of a guarantee from any other person or in any other form prescribed by the regulations.

Appointment
of evaluators,
etc.

49. The Minister may appoint or retain any person to make or assist in the making of any evaluation required for the purposes of this Act, and may fix and authorize the payment of the compensation to be paid to the person in respect thereof.

Administra-
tion of oaths

50. Any officer or servant employed in connection with the administration or enforcement of this Act, if he is designated

by the Lieutenant Governor for the purpose, may, in the course of his employment, administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or the regulations, and every officer or servant so designated has for those purposes all the powers of a commissioner under *The Commissioners for Taking Affidavits Act*. R.S.O. 1970, c. 72

51.—(1) Any person so authorized in writing by the Minister, Inspection for any purpose relating to the administration or enforcement of this Act, may, at any reasonable time, enter any premises or place and inspect and examine any property, including any books, records, writing or other documents, kept therein and,

(a) require the owner, occupier or person in charge of the premises or place to give him all reasonable assistance in connection with his inspection or examination and to answer all proper questions relating to the inspection or examination, and, for that purpose, require the owner, occupier or person in charge of the premises or place to attend at the premises or place with him; and

(b) if, during the course of the inspection or examination, it appears to him that an offence under this Act has been committed, seize and take away any books, records, writings or other documents and retain them until their production in any court proceedings is required.

(2) The Minister may, for any purpose relating to the Requirement of additional information administration or enforcement of this Act, by registered letter or by demand served on the person, require a person, within such reasonable time as is stipulated in the letter or demand,

(a) to provide any information or additional information, or to submit any return or supplementary return to the Minister; or

(b) to produce to the Minister any book, record, writing or other document.

(3) The Minister may, for any purpose relating to the Inquiry administration or enforcement of this Act, authorize any person, whether or not he is an officer employed under the Minister, to make such inquiry as the Minister deems necessary with reference to anything relating to the administration or enforcement of this Act.

Copies as
evidence

(4) Where any book, record, writing or other document is seized, inspected, examined or produced in accordance with this section, the person by whom it is seized, inspected or examined or to whom it is produced, or any officer employed under the Minister, may make or cause to be made one or more copies thereof and shall, upon request by the person from whom the original document was seized or by whom it was produced, in any case where a copy thereof has been made pursuant to this section, send a copy thereof to the person or, if no copy thereof has been made pursuant to this section, allow the person at any reasonable time to have access to the document so seized or produced, and a document purporting to be certified by the Minister or a person so authorized by him to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Prohibition

(5) No person shall hinder, molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and notwithstanding any other Act or law, every person shall, unless he is unable to do so, do everything he is required by or under this section to do.

Powers of
person
making
inquiry

1971, c. 49

(6) For the purpose of any inquiry made under subsection 3, the person authorized to make the inquiry has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies as if such inquiry were an inquiry under that Act.

Communica-
tion of
information

52.—(1) Except as authorized by this section, no official or authorized person shall,

- (a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Officials
not compel-
lable as
witnesses

(2) Notwithstanding any other Act, but subject to subsection 3, no official or authorized person shall be required, in connection with any legal proceedings,

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or

- (b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(3) Subsections 1 and 2 do not apply in respect of,

Exceptions
for legal
proceedings

- (a) criminal proceedings under any Act of the Parliament of Canada; or
- (b) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or
- (c) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax.

(4) An official or authorized person may, in the course of his duties in connection with the administration or enforcement of this Act,

Exception
for internal
administra-
tion

- (a) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes and information obtained by or on behalf of the Minister for the purposes of this Act; and
- (b) allow an official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(5) Notwithstanding anything in this Act, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

Exception
for
objection
of appeals.
etc.

- (a) the person from whom the book, record, writing, return or other document was obtained; or
- (b) any person,
 - (i) for the purposes of any objection or appeal that has been or may be taken by that person under this Act arising out of any assessment of tax, interest or penalties under this Act in respect

of property comprising a gift in connection with which the book, record, writing, return or other document was obtained, or

- (ii) by whom any amount payable under this Act on or in respect of the gift is payable or has been paid,

or the legal representative of any person mentioned in clause *a* or *b* or the agent of any such person authorized in writing in that behalf.

Exception
for tax
enforcement
in other
jurisdictions

(6) Notwithstanding anything in this Act, the Minister may permit information or a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

- (a) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purposes of administration of any Act of the Parliament of Canada imposing any tax or duty; or
- (b) a minister of the government of any province of Canada or officer or employee employed under that minister, for the purposes of administering and enforcing an Act of the Legislature of that province imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of another province, as the case may be, is permitted to give to the Minister information or copies of any book, record, writing, return or other document obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province, as the case may be, in the administration or enforcement of that Act for the purposes of the administration of this Act.

Procedure
and
evidence
R.S.O. 1970
c. 217

53. The provisions of section 47 of *The Income Tax Act* relating to procedure, evidence and other matters provided therein are applicable *mutatis mutandis* to this Act.

Agreements
with other
governments

54.—(1) With the approval of the Lieutenant Governor in Council, the Minister may enter into agreements with the Government of Canada and the government of any other province of Canada,

- (a) respecting the administration of this Act and the collection of tax, interest and penalties under this Act by the Government of Canada and officials thereof

and the remitting of tax, interest and penalties so collected to the Treasurer of Ontario and the remuneration to be paid to the Government of Canada with respect thereto;

- (b) respecting the obtaining of information and copies of books, records, writings, returns and other documents relating to gifts and the valuation of property from other sources and the release of information and copies of books, records, writings, returns and other documents obtained by or on behalf of the Minister for the purposes of this Act to the Government of Canada or the governments of other provinces of Canada or both;
- (c) respecting reciprocal arrangements whereby notwithstanding the other provisions of this Act the Minister will allow a reduction of or deduction from the tax, interest and penalties payable under this Act to the extent of any corresponding reduction of or deduction from gift tax, interest and penalties payable under the laws of the reciprocating province in respect of certain classes of property and certain classes of donors or donees.

(2) Where an agreement is entered into under subsection 1 ^{Transfer of powers and duties} between the Minister and the Government of Canada respecting the administration and collection of tax, interest and penalties, the minister of the Government of Canada who under the agreement is authorized to act for the Government of Canada in the administration of this Act and the collection of tax, interest and penalties may employ and exercise all the powers and perform all the duties of the Minister under this Act.

(3) Where an agreement is entered into under subsection 1 ^{Powers of Deputy Minister, etc.} between the Minister and the Government of Canada respecting the administration of this Act and the collection of tax, interest and penalties, the deputy of the minister of the Government of Canada who, under the agreement, is authorized to act for the Government of Canada in the administration of this Act and the collection of tax, interest and penalties, may,

- (a) employ and exercise all the powers and perform all the duties of the Minister that the minister of the Government of Canada mentioned in subsection 2 may employ, exercise or perform under this Act; and
- (b) designate officers of his department to carry out such functions, duties and powers as are similar to those that are exercised by them on his behalf under

laws enacted by the Parliament of Canada imposing tax and delegating those functions, duties and powers to those officers of his department.

False
statements,
etc.

55.—(1) Every person who,

- (a) makes, or assents to or acquiesces in the making of a false or deceptive statement in a return, certificate, statement or answer filed or made as required by or under this Act or the regulations;
- (b) to evade payment of any amount of tax, interest, or penalties under this Act, destroys, alters, mutilates, hides or otherwise disposes of any book, record or other document;
- (c) makes, or assents to or acquiesces in the making of, a false or deceptive entry in, or omits or assents to or acquiesces in the omission to enter a material particular in, any book, record or other document;
- (d) wilfully, in any manner, evades or attempts to evade compliance with this Act or the payment of tax, interest or penalties payable under this Act; or
- (e) conspires with any person to commit an offence described in clauses *a* to *d* inclusive,

is guilty of an offence and on summary conviction is liable, in addition to any penalty otherwise provided in this Act, except section 56, to a fine of not less than \$100 and not more than \$10,000 or to imprisonment for a term not exceeding two years, or to both.

Saving
provision

(2) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade the payment of tax, he is not liable to pay a penalty under section 39 or 40 for the same evasion or attempt unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made.

Offences
and
penalties

56. Every person who fails to comply with or contravenes any provision of this Act or the regulations is guilty of an offence and, if no other penalty is provided therefor, is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months, or to both.

Officer of
corporation
involved in
offence

57. Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated

in the commission of the offence is a party to and guilty of the offence and liable, on summary conviction, to the penalty provided for the offence whether or not the corporation has been or is prosecuted for or convicted of the offence.

58.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing anything that by this Act is to be prescribed or is to be determined or regulated by regulation;
- (b) prescribing the nature of the evidence required to establish facts relevant to assessments under this Act;
- (c) authorizing any designated officers or classes of officers to exercise powers or perform duties of the Minister under this Act;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act, or to supply a copy of the information return or of a prescribed portion thereof to a person or persons in respect of whose liability under this Act the information return or portion thereof relates.

(2) A regulation made under subsection 1 may be made ^{Retroactive regulations} effective retroactively to a date not earlier than the 1st day of January, 1972.

59. Subject as otherwise provided herein, this Act applies, ^{Application of Act}

- (a) to and in respect of gifts made after the 31st day of December, 1971; and
- (b) to and in respect of donors and donees of gifts made after the 31st day of December, 1971.

60. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ment

61. This Act may be cited as *The Gift Tax Act, 1972*.

Short title

SCHEDULE I

Calculation of Tax on Basis of Aggregate Taxable Value

1. Where the aggregate taxable value of gifts made in the year does not exceed \$25,000, the tax is 15 per cent of that aggregate taxable value.
2. Where the aggregate taxable value of gifts made in the year exceeds \$25,000 but does not exceed \$50,000, the tax is \$3,750 plus 20 per cent of the amount by which that aggregate taxable value exceeds \$25,000.
3. Where the aggregate taxable value of gifts made in the year exceeds \$50,000 but does not exceed \$75,000, the tax is \$8,750 plus 25 per cent of the amount by which that aggregate taxable value exceeds \$50,000.
4. Where the aggregate taxable value of gifts made in the year exceeds \$75,000 but does not exceed \$100,000, the tax is \$15,000 plus 30 per cent of the amount by which that aggregate taxable value exceeds \$75,000.
5. Where the aggregate taxable value of gifts made in the year exceeds \$100,000 but does not exceed \$125,000, the tax is \$22,500 plus 35 per cent of the amount by which that aggregate taxable value exceeds \$100,000.
6. Where the aggregate taxable value of gifts made in the year exceeds \$125,000 but does not exceed \$150,000, the tax is \$31,250 plus 40 per cent of the amount by which that aggregate taxable value exceeds \$125,000.
7. Where the aggregate taxable value of gifts made in the year exceeds \$150,000 but does not exceed \$200,000, the tax is \$41,250 plus 45 per cent of the amount by which that aggregate taxable value exceeds \$150,000.
8. Where the aggregate taxable value of gifts made in the year exceeds \$200,000, the tax is \$63,750 plus 50 per cent of the amount by which that aggregate taxable value exceeds \$200,000.

SCHEDULE II

Formula for calculating amount of consideration for purposes of clause *b* of subsection 4 of section 7

$$Y - (\text{multiplier} \times .05 \times y) = (\text{multiplier} \times \text{annuity}) \\ - (\text{multiplier} \times .05 \times \text{value of property disposed of})$$

In this formula,

- (a) *y* is the amount of consideration referred to in clause *b* of subsection 4 of section 7;
- (b) annuity is the annual value of the annuity or periodic payment referred to in clause *b* of section 3;
- (c) the value of the property disposed of is the value of the property disposed of under the arrangement or understanding referred to in clause *b* of section 3; and

- (d) the multiplier is the present value, as determined in accordance with the regulations, of an annuity of one dollar per year on the life of a person of the same sex as the donor and of the same age as the donor was at the time the property was disposed of under the arrangement or understanding referred to in clause *b* of section 3.

(NOTE: Example—A person disposes of property of value of \$80,000 under an arrangement to receive an annuity of \$6,000 for life. The disposition took place when he was 85 years of age. If the present value of an annuity of one dollar per year for a person aged 85 and of the same sex as the deceased is 4.12 the formula can be expressed as follows:

$$y - (4.12 \times .05 \times y) = (4.12 \times 6000) - (4.12 \times .05 \times 80,000)$$

$$y - (.2060 y) = (24720 - 16480)$$

$$.7940 y = 8240$$

$$y = \frac{8240}{.7940}$$

$$y = 10,377.83$$

This consideration paid for the property disposed of is \$10,377.83.)

CHAPTER 13

An Act to amend The Gasoline Tax Act

Assented to April 21st, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Gasoline Tax Act*, being ^{s. 2 (1),} chapter 190 of the Revised Statutes of Ontario, 1970, is amended by striking out "18" in the third line and inserting in lieu thereof "19".

2. Clause *b* of section 3 of the said Act is repealed.

s. 3 (b),
repealed

3.—(1) This Act, except section 2, shall be deemed to have ^{Commence-} come into force on the 29th day of March, 1972. ^{ment}

(2) Section 2 comes into force on the 1st day of May, 1972. ^{Idem}

4. This Act may be cited as *The Gasoline Tax Amendment* ^{Short title} *Act, 1972.* [/]

CHAPTER 14

**An Act to amend
The Motor Vehicle Fuel Tax Act**

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (a),
re-enacted

(a) “fuel” means any gas or liquid that may be used for the purpose of generating power by internal combustion, except such products as are excluded from this Act by the regulations.

(2) Clause *b* of the said section 1 is amended by striking out “to propel it” in the second line and inserting in lieu thereof “for generating power in the motor vehicle”. s. 1 (b),
amended

(3) Clause *d* of the said section 1 is repealed and the following substituted therefor: s. 1 (d),
re-enacted

(d) “motor vehicle” means a machine operated, propelled or driven otherwise than by muscular power.

(4) Clause *e* of the said section 1 is repealed and the following substituted therefor: s. 1 (e),
re-enacted

(e) “purchaser” means a person who acquires or receives fuel for his own use or consumption or for the use or consumption by others at his expense, or on behalf of, or as agent for, a principal who desires to acquire the fuel for use or consumption by him or other persons at his expense.

(5) Clause *h* of the said section 1 is repealed. s. 1 (h),
repealed

2.—(1) Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (1),
re-enacted

Tax

- (1) Every purchaser shall pay to the Treasurer a tax at the rate of 25 cents per imperial gallon on all fuel received or used in Ontario by him to generate power in a motor vehicle.

s. 3 (2),
amended

- (2) Subsection 2 of the said section 3 is amended by striking out "24" in the second line and inserting in lieu thereof "25", and by striking out "for the propulsion of" in the third line and inserting in lieu thereof "in".

s. 7 (3),
amended

- 3.** Subsection 3 of section 7 of the said Act is amended by striking out "and he may provide for the payment of such remuneration to the registrant as he deems appropriate" in the third and fourth lines.

s. 18 (1),
re-enacted

- 4.** Subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

Refunds

- (1) The Minister may refund the full tax imposed by this Act where the fuel on which the tax was paid was used exclusively in the business of farming or commercial fishing and may refund 17 cents per imperial gallon where the fuel on which the tax was paid was used for a purpose other than farming or commercial fishing, but no refund of tax may be made with respect to fuel used in a motor vehicle licensed or required to be licensed under *The Highway Traffic Act* or in connection with the construction or maintenance of a highway.

R.S.O. 1970,
c. 202s. 21,
amended

- 5.** Section 21 of the said Act is amended by adding thereto the following clause:

- (e) prescribing uses of fuel for which a partial refund may not be given under subsection 1 of section 18.

Commence-
ment

- 6.**—(1) This Act, except section 3, shall be deemed to have come into force on the 29th day of March, 1972.

Idem

- (2) Section 3 comes into force on the 1st day of May, 1972.

Short title

- 7.** This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1972*.

CHAPTER 15

An Act to amend The Land Transfer Tax Act

Assented to April 21st, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Land Transfer Tax Act*,^{s. 1 (b), re-enacted} being chapter 235 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) “land” includes lands, tenements and hereditaments and any estate, right or interest therein, fixtures and goodwill.

(2) The said section 1 is amended by adding thereto the^{s. 1, amended} following clause:

(f) “value of the consideration” includes,

- (i) moneys paid in cash,
- (ii) the value of any property or security exchanged for the grant, assignment, conveyance or other transfer of the land,
- (iii) the value of any encumbrance, charge or other liability to which the land being granted, assigned, conveyed or otherwise transferred is subject at the time of registration.

2. Subsection 1 of section 2 of the said Act is repealed and^{s. 2 (1), re-enacted} the following substituted therefor:

- (1) Every person who tenders for registration a con-^{Imposition of tax}veyance, deed, transfer or other instrument or writing whereby any land is granted, assigned, conveyed or otherwise transferred shall pay a tax before the conveyance, deed, transfer, instrument or writing is registered, computed at a rate of three-tenths of 1 per cent upon the value of the consideration for the

grant, assignment, conveyance or other transfer up to and including \$35,000 and six-tenths of 1 per cent upon the remainder.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

4. This Act may be cited as *The Land Transfer Tax Amendment Act, 1972*.

CHAPTER 16

An Act to amend The Tobacco Tax Act

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Tobacco Tax Act*, being ^{s. 2 (1),} chapter 463 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(1) Every consumer shall pay to Her Majesty in right of ^{Tax on} Ontario a tax computed as follows: ^{consumer}

- (a) 2.3 cents on every five cigarettes purchased by him, and where the number of cigarettes purchased is not five or a multiple thereof, the tax shall be pro-rated accordingly;
- (b) 2.5 cents for every one-half of one ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;
- (c) 1 cent on every cigar purchased by him for a price at retail of not more than 7 cents;
- (d) 2 cents on every cigar purchased by him for a price at retail of more than 7 cents but not more than 10 cents;
- (e) 3 cents on every cigar purchased by him for a price at retail of more than 10 cents but not more than 15 cents;
- (f) 4 cents on every cigar purchased by him for a price at retail of more than 15 cents but not more than 20 cents, and thereafter an additional 1 cent for each additional 5 cents that the price at retail exceeds 20 cents.

2. Clause *b* of section 16 of the said Act is repealed.

^{s. 16 (b),}
repealed

Commence-
ment

3.—(1) This Act, except section 2, shall be deemed to have come into force on the 29th day of March, 1972.

Idem

(2) Section 2 comes into force on the 1st day of May, 1972.

Short title

4. This Act may be cited as *The Tobacco Tax Amendment Act, 1972*.

CHAPTER 17

An Act to amend The Succession Duty Act

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Succession Duty Act*, being chapter 449^{s. 1, amended} of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(ia) “gift” includes a gift within the meaning of *The Gift Tax Act*, 1972; c. 12.

.

(va) “succession” means, as the case requires,

(i) the property of the deceased to which the successor becomes beneficially entitled, or

(ii) the acquisition by a successor of any property of the deceased by reason of the death of the deceased or a successor’s becoming beneficially entitled to property of a deceased by reason of the death of the deceased;

(vb) “successor” in relation to any property of the deceased includes any person who, at any time before or on or after the death of the deceased became or becomes beneficially entitled to any property of the deceased,

(i) by virtue of, or conditionally or contingently on, the death of the deceased, or

(ii) by virtue of the exercise of any general power of which the deceased was the donee or other holder, or

(iii) in any case, under any disposition made by the deceased during his lifetime, or

- (iv) by virtue of the application in respect of the death of the deceased of any law of Canada or a province of Canada providing for relief of dependants of deceased persons,

and includes,

- (v) any person beneficially entitled to any property of the deceased in default of the exercise of any general power of which the deceased was the donee or other holder,
- (vi) any person as the donee or other holder of any general power created by the deceased in respect of any property of the deceased, and
- (vii) any trustee, guardian, committee, curator or other similar representative of any person mentioned in this clause, in his capacity as trustee, guardian, committee, curator or other representative.

s. 3,
amended

2. Section 3 of the said Act is amended by adding thereto the following subsection:

Value of gift

1970-71,
c. 63 (Can.)
1972, c. 12.

- (7) Notwithstanding any other provision of this Act, the value of any property that comprises a gift made by the deceased prior to his death and that is part of the property of the deceased, shall be deemed to be the aggregate of its value otherwise determined under this Act and the amount of tax, if any, under Part IV of the *Income Tax Act* (Canada) as it was prior to the 1st day of January, 1972, or under *The Gift Tax Act, 1972*, or under an Act of any province of Canada imposing tax on gifts, that was paid by the deceased, or that was payable by him at the time of his death, in respect of the gift.

s. 5 (1) (g),
re-enacted

3.—(1) Clause *g* of subsection 1 of section 5 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 1, is repealed and the following substituted therefor:

- (g) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise.

(2) Clause *ga* of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 1, is repealed. s. 5 (1) (*ga*),
repealed

4. The said Act is amended by adding thereto the following section: s. 9a,
enacted

9a.—(1) Where any part of the property of a succession to a successor was a gift on which gift tax was payable under Part IV of the *Income Tax Act* (Canada) as it was before the 1st day of January, 1972, or under *The Gift Tax Act, 1972*, or under an Act of any other province of Canada imposing a tax on gifts, the duty otherwise payable on the succession shall be reduced by the lesser of, Reduction
for gift tax
1970-71,
c. 63 (Can.)
1972, c. 12.

(a) the duty payable on or in respect of the succession; or

(b) the gift tax paid or payable on or in respect of the gift.

(2) Where any part of the property of a succession to a successor was a gift on or in respect of which gift tax was paid under *The Gift Tax Act, 1972*, and the gift tax paid on or in respect of the gift exceeds the duty otherwise payable on or in respect of the succession, the Minister shall refund to the successor an amount equal to the difference between the gift tax paid on or in respect of the gift and the duty otherwise payable on or in respect of the succession. Refund where
gift tax
exceeds duty

5. This Act shall be deemed to have come into force on the 1st day of January, 1972. Commence-
ment

6. This Act may be cited as *The Succession Duty Amendment Act, 1972*. Short title

CHAPTER 18

**An Act to amend
The Security Transfer Tax Act**

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Clauses *d* and *e* of section 19 of *The Security Transfer Tax Act*, being chapter 427 of the Revised Statutes of Ontario, 1970, are repealed. <sup>s. 19 (*d*, *e*),
repealed</sup>
- 2.** This Act comes into force on the 1st day of May, 1972. <sup>Commence-
ment</sup>
- 3.** This Act may be cited as *The Security Transfer Tax Amendment Act, 1972*. ^{Short title}

CHAPTER 19

An Act to repeal The Logging Tax Act

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Logging Tax Act*, being chapter 258 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 258,
repealed
- 2.** Section 1 applies with respect to taxation years, as defined in *The Logging Tax Act*, ending on or after the 31st day of March, 1972. Application
- 3.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 4.** This Act may be cited as *The Logging Tax Repeal Act*, 1972. Short title

CHAPTER 20

**An Act to amend
The Race Tracks Tax Act**

*Assented to April 21st, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Clause *d* of section 10 of *The Race Tracks Tax Act*, being ^{s. 10 (d),} chapter 397 of the Revised Statutes of Ontario, 1970, is repealed._{repealed}
- 2.** This Act comes into force on the 1st day of May, 1972. ^{Commence-}_{ment}
- 3.** This Act may be cited as *The Race Tracks Tax Amend-* ^{Short title}
ment Act, 1972.

CHAPTER 21

An Act to amend The Retail Sales Tax Act

Assented to April 21st, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 49 of subsection 1 of section 5 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, is repealed. s. 5 (1),
par. 49,
repealed

(2) Paragraph 57 of subsection 1 of the said section 5 is repealed and the following substituted therefor: s. 5 (1),
par. 57,
re-enacted

57. tangible personal property purchased at a price of less than 21 cents, except draft beer.

2. Section 11 of the said Act is repealed. s. 11,
repealed

3. Subsection 1 of section 19 of the said Act is amended by inserting after “mailing” in the third line “or personal service”. s. 19 (1),
amended

4.—(1) Subsection 1 of section 29 of the said Act is amended by inserting after “mailed” in the sixth line “or personally served”. s. 29 (1),
amended

(2) Subsection 2 of the said section 29 is amended by inserting after “mailing” in the third line and in the fifth line “or personal service”. s. 29 (2),
amended

5.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 comes into force on the 17th day of April, 1972. *Idem*

(3) Section 2 comes into force on the 1st day of May, 1972. *Idem*

6. This Act may be cited as *The Retail Sales Tax Amendment Act, 1972*. Short title

CHAPTER 22

**An Act to amend
The Bills of Sale and
Chattel Mortgages Act**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Bills of Sale and Chattel Mortgages Act*, ^{s. 13,} being chapter 45 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

13. Every such mortgage or conveyance operates and takes effect as between the parties thereto upon, from and after the day and time of the execution thereof and as against creditors of the mortgagor or bargainor or as against subsequent purchasers or mortgagees in good faith for valuable consideration upon, from and after the day and time of registration. ^{When mortgage or conveyance to take effect}

2. Section 22 of the said Act is repealed and the following ^{s. 22,} substituted therefor: ^{re-enacted}

22.—(1) Except in the case of the Provisional County of Haliburton, the instruments mentioned in the preceding sections shall be registered within thirty days after the execution thereof in the office of the branch registrar of the county or district in which the property mortgaged or sold is at the time of the execution thereof. ^{Where instruments to be registered}

(2) Where the property is situate in the Provisional ^{Haliburton} County of Haliburton, the instrument shall be registered within thirty days after the execution thereof in the office of the branch registrar for the County of Victoria.

(3) The branch registrar shall,

Filing and
endorsing

(a) file the instrument; and

(b) where the instrument,

(i) is accompanied by a statement in the prescribed form, endorse a registration number on the statement, or

(ii) is not accompanied by a statement in the prescribed form, endorse on the instrument the date and time of receiving it.

Certificate of registration

(4) The branch registrar shall give to a person registering an instrument a certificate of its registration if so requested.

Computation of time for registration

(5) Where there are more mortgagors or grantors than one, the time shall be computed from the execution of the instrument by the last mortgagor or grantor.

Application of Act

3. This Act applies to a mortgage or conveyance executed on or after the 1st day of July, 1972.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1972*.

CHAPTER 23

**An Act to amend
The Conditional Sales Act**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 2 of *The Conditional Sales Act*, being chapter 76 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (b) within thirty days after the execution of the contract, and a copy is registered
the contract or a true copy of it is registered,
- (i) except in the case of the Provisional County of Haliburton, in the office of the branch registrar of the county or district in which the purchaser resided at the time of the sale, or
- (ii) where the purchaser resided in the Provisional County of Haliburton at the time of the sale, in the office of the branch registrar of the County of Victoria,

and the renewal statement, if any, is registered as provided in section 5.

(2) Subsection 8 of the said section 2 is repealed and the following substituted therefor:

- (8) The word "creditors" in subsections 7 and 9 means
creditors of a purchaser to whom goods have been delivered for the purpose of resale by him in the course of business.

(3) The said section 2 is amended by adding thereto the following subsection:

When
contract to
take effect

(9) Every contract operates and takes effect as between the parties thereto upon, from and after the day and time of the execution thereof and as against creditors of the purchaser and as against subsequent purchasers or mortgagees claiming from or under the purchaser, without notice, in good faith and for valuable consideration upon, from and after the day and time of registration.

Application
of Act

2. This Act applies to a contract executed on or after the 1st day of July, 1972.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Conditional Sales Amendment Act, 1972*.

CHAPTER 24

An Act to amend The Expropriations Act

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 4 of section 14 of *The Expropriations Act*, being chapter 154 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (b) any increase or decrease in the value of the land resulting from the development or the imminence of the development in respect of which the expropriation is made or from any expropriation or imminent prospect of expropriation.

(2) The said section 14 is amended by adding thereto the following subsections:

- (5) Where two or more expropriating authorities, including Her Majesty the Queen in right of Canada, participate in a development or a number of related developments, the Lieutenant Governor in Council may, by regulation, designate such development or developments as a co-operative development and subsection 4 shall apply to the determination of the market value of any land expropriated by any of the participating provincial expropriating authorities for any aspect or part of the co-operative development as if the entire co-operative development was a single development being carried out by that expropriating authority.
- (6) Any regulation made under subsection 5 and filed under *The Regulations Act* in the year 1972 may be retroactive in its application and may provide that it comes into force and has effect on and after a day not earlier than the 2nd day of March, 1972.

Commence-
ment

2. This Act shall be deemed to have come into force on the 2nd day of March, 1972.

Short title

3. This Act may be cited as *The Expropriations Amendment Act, 1972*.

CHAPTER 25

**An Act to amend
The District Welfare Administration
Boards Act**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3 and 4 of section 3 of *The District Welfare Administration Boards Act*, being chapter 132 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(3) A board shall be a corporation.

Board is a corporation

(4) The composition of each board and the qualifications and term of office of the members thereof shall be as prescribed by the regulations.

Composition, etc., of board

2. Section 11 of the said Act is amended by adding thereto the following clause:

s. 11, amended

(ba) providing for the division of each district into areas, the appointment of members representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large, prescribing the qualifications for appointment and fixing the number of members for each board and the terms of office of such members.

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commencement

4. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1972*.

Short title

CHAPTER 26

**An Act to amend
The Crown Timber Act**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Clause *a* of section 51 of *The Crown Timber Act*, being <sup>s. 51 (a),
amended</sup> chapter 102 of the Revised Statutes of Ontario, 1970, is amended by striking out "8" in the second line and inserting in lieu thereof "7".
- 2.** This Act shall be deemed to have come into force on the 1st day of September, 1971. <sup>Commence-
ment</sup>
- 3.** This Act may be cited as *The Crown Timber Amendment Act, 1972*. ^{Short title}

CHAPTER 27

**An Act to amend
The Provincial Parks Act**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 9 of *The Provincial Parks Act*, ^{s. 9 (2),} ^{amended} being chapter 371 of the Revised Statutes of Ontario, 1970, is amended by striking out "17" in the third line and inserting in lieu thereof "18".
2. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of September, 1971. ^{ment}
3. This Act may be cited as *The Provincial Parks Amend-* ^{Short title} *ment Act, 1972.*

CHAPTER 28

**An Act to repeal
The Water Powers Regulation Act**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Water Powers Regulation Act*, being chapter 492 of the Revised Statutes of Ontario, 1970, is repealed ^{Act repealed}.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Water Powers Regulation Repeal Act, 1972*. ^{Short title}

CHAPTER 29

**An Act to amend
The Public Lands Act**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:<sup>s. 2,
re-enacted</sup>
 2. The Minister shall have charge of the management,<sup>Function
of Minister</sup> sale and disposition of the public lands and forests.
2. Subsection 3 of section 11 of the said Act is repealed<sup>s. 11 (3),
re-enacted</sup> and the following substituted therefor:
 - (3) Where letters patent have been issued for any land<sup>Substitution
of letters
patent</sup> that is affected by an annulment under subsection 1, the Minister shall cause the letters patent to be cancelled and letters patent containing a revised description of the land to be issued in their stead and letters patent heretofore or hereafter so issued shall,
 - (a) relate back to the date of the letters patent so cancelled;
 - (b) have the same effect as if issued at the date of such cancelled letters patent; and
 - (c) have the effect of amending, *mutatis mutandis*, every instrument made prior to the date of such cancelled letters patent by the patentee or any person claiming through or under him.
3. Subsection 1 of section 16 of the said Act is amended by<sup>s. 16 (1),
amended</sup> striking out "or" in the fourth line and inserting in lieu thereof "of".

s. 19,
amended

4. Section 19 of the said Act is amended by striking out "or" in the sixth line and inserting in lieu thereof "of".

s. 35,
amended

5. Section 35 of the said Act is amended by striking out "of" in the eighth line and inserting in lieu thereof "or".

s. 39,
re-enacted

6. Section 39 of the said Act is repealed and the following substituted therefor:

Annual list
to assessment
com-
missioners

R.S.O. 1970,
c. 32

39. The Minister shall in the month of February in every year transmit to each assessment commissioner appointed under *The Assessment Act* a list of all lands in the assessment region patented, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a licence of occupation was issued during the next preceding calendar year and a list of the cancellations of any licence of occupation, sale, lease, location or appropriation of land in the assessment region during the next preceding calendar year.

s. 45a,
enacted

7. The said Act is amended by adding thereto the following section:

Sale of water
powers and
privileges

45a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister in his discretion may fix the terms and conditions upon which water powers or privileges granted by the Crown and any public lands necessary for the development thereof may be leased or developed.

Agreements,
etc., to be
signed by
Minister

(2) The Minister may sign all agreements, leases, licences, renewals or other writings relating to water powers or privileges or any public lands necessary for the development thereof.

Part of
Plan M-114
Sault Ste.
Marie,
amended

8.—(1) The designation "Park Area" on the plan of subdivision of part of the west half of Lot 15 in Concession III in the Township of Wicksteed in the District of Algoma by J. Lanning, Ontario Land Surveyor, dated the 23rd day of July, 1947 and filed in the Office of Land Titles at Sault Ste. Marie as Plan M-114, is expunged and the land is vested in Her Majesty the Queen in right of Ontario free of any right, title, interest or trust that may have been created by such designation.

Amended
plan to be
registered

(2) The Minister shall cause an amended plan of the lands mentioned in subsection 1 to be filed in the Office of Land Titles at Sault Ste. Marie.

9. The letters patent dated the 24th day of January, 1930^{Letters patent amended} granting part of Winthuysen Square containing five and one-half acres, more or less, to The Municipal Corporation of the Town of Meaford are amended by striking out the habendum, which reads: "To have and to hold unto the said The Municipal Corporation of the Town of Meaford for Public Park Purposes only and no conveyance of the whole or any part of the same shall be made by the said Corporation without the approval of the Lieutenant Governor in Council".

10.—(1) This Act, except sections 3, 4 and 5, comes into^{Commence-ment} force on the day it receives Royal Assent.

(2) Sections 3, 4 and 5 shall be deemed to have come into^{Idem} force on the 1st day of September, 1971.

11. This Act may be cited as *The Public Lands Amendment*^{Short title} Act, 1972.

CHAPTER 30

An Act to amend The Surveys Act

Assented to April 27th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of subsection 2 of section 17 of *The Surveys Act*, being chapter 453 of the Revised Statutes of Ontario, 1970, is amended by inserting after "corner" in the first line "is a corner". s. 17 (2), par. 2, amended

2. Subsection 1 of section 22 of the said Act is amended by striking out "to" in the fourth line and inserting in lieu thereof "or". s. 22 (1), amended

3. Subsection 1 of section 23 of the said Act is amended by striking out "survey" in the first line and inserting in lieu thereof "surveyor". s. 23 (1), amended

4. Paragraph 4 of subsection 2 of section 24 of the said Act is amended by striking out "line" in the second line and inserting in lieu thereof "side line". s. 24 (2), par. 4, amended

5. Paragraph 3 of subsection 2 of section 37 of the said Act is amended by striking out "of" in the fourth line and inserting in lieu thereof "and". s. 37 (2), par. 3, amended

6. The said Act is amended by adding thereto the following section: s. 61a, enacted

61a.—(1) The Minister or the Minister of Government Services may enter into agreements with the owners of lands respecting the installation of survey monuments on the lands. Agreements

(2) An agreement entered into under subsection 1 may be entered into for a term of years mentioned in the agreement or in perpetuity. Term of agreement

(3) Without limiting the generality of any provision of any Act or any assignment made thereunder, the Execution of agreements

Surveyor General may execute an agreement entered into under subsection 1 on behalf of the Minister or the Minister of Government Services.

Registration
of agreements

- (4) An agreement entered into under subsection 1 may be registered in the proper registry or land titles office, and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement.

Agreements

- (5) The Minister and the Crown in right of Canada or any province of Canada, any agency of any of them or any municipality, metropolitan municipality, regional municipality or district municipality may enter into an agreement with respect to the performance of co-ordinate surveys and the installation and maintenance of monuments.

Commence-
ment

7.—(1) This Act, except sections 1, 2, 3, 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3, 4 and 5 shall be deemed to have come into force on the 1st day of September, 1971.

Short title

8. This Act may be cited as *The Surveys Amendment Act, 1972*.

CHAPTER 31

**An Act to amend
The Boilers and Pressure Vessels Act**

*Assented to May 4th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boilers and Pressure Vessels Act*, being ^{s. 1, amended} chapter 47 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

21a. "professional engineer" means a person registered as a professional engineer or a person who is licensed to practise as a professional engineer under *The Professional Engineers Act*. ^{R.S.O. 1970, c. 366}

2. Section 14 of the said Act is amended by adding ^{s. 14, amended} thereto the following subsection:

(1a) Where approval and registration is sought for the design of a boiler or pressure vessel to be fabricated ^{Drawings by professional engineer} for use in Ontario the designer shall submit, with the design and specifications, drawings of the design that bear the signature and seal of a professional engineer.

3. Section 27 of the said Act is repealed and the following ^{s. 27, re-enacted} substituted therefor:

27. Every owner of a boiler, pressure vessel or plant ^{Duties of owner} shall ensure that the boiler, pressure vessel or plant is maintained in a safe working condition and operated safely.

4. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

5. This Act may be cited as *The Boilers and Pressure Vessels Amendment Act, 1972*. ^{Short title}

CHAPTER 32

An Act to amend The Marriage Act

*Assented to May 4th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2 and 3 of section 38 of *The Marriage Act*, ^{s. 38 (1-3), re-enacted} being chapter 261 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

- (1) The fee for a licence is \$15, of which sum \$10 shall ^{Licence fee} be remitted by the issuer to the Treasurer of Ontario.
- (2) The issuer shall retain \$5 from the licence fee for ^{Retention by issuer} his own use.
- (3) Where the issuer is the clerk of a municipality, ^{Commutation of clerk's fees} the council of the municipality may commute the issuer's fees provided for in subsection 2 for a fixed sum payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.

2. Section 42 of the said Act is repealed and the following ^{s. 42, re-enacted} substituted therefor:

42. The fee for the solemnization of a marriage by a ^{Fee on marriage by judge} judge or provincial judge is \$15 which shall be remitted by the judge or provincial judge, as the case may be, to the Treasurer of Ontario.

3. This Act comes into force on the 1st day of July, 1972. ^{Commencement}

4. This Act may be cited as *The Marriage Amendment Act, 1972*. ^{Short title}

CHAPTER 33

An Act to incorporate Ontario Place

Assented to May 4th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means Ontario Place Corporation;
- (c) "Minister" means the Minister of Industry and Tourism.

2. The Minister is responsible for the administration of this Act.

Administra-
tion of Act

3. —(1) There is hereby established, on behalf of Her Majesty, in right of Ontario, a corporation without share capital under the name of Ontario Place Corporation.

Ontario Place
Corporation
established

(2) The Corporation shall consist of not fewer than seven and not more than thirteen members of whom one shall be the Deputy Minister of Industry and Tourism, *ex officio*, and the remainder, of whom one shall be a director of the Canadian National Exhibition Association, shall be appointed by the Lieutenant Governor in Council.

Composition

(3) The members shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Remunera-
tion of
members

4.—(1) The members of the corporation for the time being form and are its board of directors.

Board of
directors

(2) The Lieutenant Governor in Council shall designate one of the members to be chairman of the Board and may designate one of the members to be vice-chairman of the Board.

Chairman,
vice-
chairman

Acting
chairman

(3) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman or, if none, such director as the Board designates for such purpose shall act as and have all the powers of the chairman.

Quorum

(4) A majority of the directors shall constitute a quorum of the Board.

R.S.O. 1970,
c. 89 not to
apply

5. *The Corporations Act* does not apply to the Corporation.

Management
of
Corporation

6. The affairs of the Corporation are under the management and control of the Board, and the chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Officers and
employees

7.—(1) The Corporation may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved.

Employees' superannuation benefits
R.S.O. 1970,
c. 387

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Objects

8. The objects of the Corporation are,

- (a) to operate Ontario Place as a provincial exhibit and recreational centre;
- (b) to develop projects and programs designed to provide the people of Ontario with a greater appreciation of the Province and its accomplishments and potential, and to provide talented artists in the Province with the opportunity to exhibit their works and their abilities;
- (c) to develop special programs from time to time considered to be worthwhile to enhance the image of the Province and to co-ordinate activities with the Canadian National Exhibition at times when that exhibition is in operation; and
- (d) to do such other things as the Minister may require from time to time and to advise the Minister on projects and programs of general advantage to the Province.

9.—(1) It is the duty of the Corporation to develop, con-^{General powers and duties}trol, manage, operate and maintain Ontario Place and for the purposes of carrying out such duty the Corporation has power,

- (a) to make such by-laws, rules and orders as may be considered expedient for the constitution of the Corporation and the administration and management of its affairs and the conduct of its business;
- (b) to acquire, construct, operate, maintain and generally manage and provide recreational and exhibition facilities and programs, restaurants, theatres, shops and any and all other facilities or conveniences incidental to or necessary for the proper operation and maintenance of Ontario Place;
- (c) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with Ontario Place;
- (d) to receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal or any interest therein.

(2) Subject to the approval of the Lieutenant Governor^{Transfer of assets} in Council, such property of the Crown in right of Ontario as is considered necessary or advisable for the purpose of carrying out its objects may be transferred to and vested in the Corporation for such purpose.

10. The Corporation, with the approval of the Lieutenant Governor^{Regulations} in Council, may make regulations,

- (a) regulating and governing the use by the public of Ontario Place and the works and things under the jurisdiction of the Corporation;
- (b) providing for the protection and preservation from damage of the property of the Corporation;
- (c) prescribing fees for entry into Ontario Place and in connection with any service or the use of any facility provided therein.

11. The property and the income, revenues and profits^{Revenue} of the Corporation shall be applied solely to promote the objects of the Corporation.

Grants and
loans

12. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Audit

13. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

Annual
report

14.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reports

(2) The Corporation shall make such further reports to the Minister as the Minister may from time to time require.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Ontario Place Corporation Act, 1972*.

CHAPTER 34

An Act to amend The Cancer Act*Assented to May 4th, 1972**Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Cancer Act*, being chapter 55 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

6a.—(1) Any information or report respecting a case of cancer furnished to the Foundation by any person shall be kept confidential and shall not be used or disclosed by the Foundation to any person for any purpose other than for compiling statistics or carrying out medical or epidemiological research.

(2) No action or other proceeding for damages lies or shall be instituted against any legally qualified medical practitioner or any licensed dental surgeon or any hospital in respect of the furnishing to the Foundation of any information or report with respect to a case of cancer examined, diagnosed or treated, by such medical practitioner or dental surgeon or at such hospital.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Cancer Amendment Act, 1972*.

CHAPTER 35

**An Act to amend
The Ministry of Health Act**

*Assented to May 4th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Ministry of Health Act*, s. 2 (3), being chapter 114 of the Revised Statutes of Ontario, 1970, ^{re-enacted} is repealed and the following substituted therefor:

(3) The Lieutenant Governor in Council may appoint a ^{Deputy} Deputy Minister of Health as deputy head of the ^{Minister} Ministry.

2. Subsection 1 of section 7 of the said Act is repealed and ^{s. 7 (1),} the following substituted therefor: ^{re-enacted}

(1) There shall be a senior advisory body to the Minister ^{Ontario} on health matters, known as the Ontario Council ^{Council} of Health ^{of Health}, consisting of a chairman and not fewer than sixteen other members as are appointed by the Lieutenant Governor in Council.

3. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of May, 1972. ^{ment}

4. This Act may be cited as *The Ministry of Health Amend-* ^{Short title} *ment Act, 1972.*

CHAPTER 36

**An Act to amend
The City of The Lakehead Act, 1968-69***Assented to May 4th, 1972**Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The City of The Lakehead Act, 1968-69*, being chapter 56, is repealed and the following substituted therefor: <sup>s. 3 (3),
re-enacted</sup>

- (3) Notwithstanding the provisions of this or any other general or special Act, the Minister by order may <sup>Judicially
ordered
election</sup> provide for the holding of any elections judicially ordered in the year 1972, for members of the council of the City, including establishment of wards within the City, polling day, nomination meetings, appointment of a returning officer, preparation of a voters' list, the qualifications of candidates and electors and any other matters as are deemed necessary in respect of any such election.

2. Section 12 of the said Act is amended by adding thereto <sup>s. 12,
amended</sup> the following subsection:

- (1a) In this section, "Department" means the Ministry ^{Interpretation} of Revenue.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

4. This Act may be cited as *The City of The Lakehead* ^{Short title} *Amendment Act, 1972*.

CHAPTER 37

**An Act to amend
The Farm Products Grades and Sales Act**

*Assented to May 4th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*b*) "grade" means, except in subsection 4 of section 2, a grade established under this Act.

2.—(1) Subsection 1 of section 2 of the said Act is amended<sup>s. 2 (1),
amended</sup> by adding thereto the following clause:

(*1a*) prescribing the structures, facilities and equipment to be provided and maintained for use in connection with the grading of farm products.

(2) The said section 2 is amended by adding thereto the<sup>s. 2,
amended</sup> following subsection:

(4) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard or grade name established under the *Canada Agricultural Products Standards Act*, as amended or re-enacted from time to time, and may require compliance with any such grade, standard or grade name so adopted, including any such changes.

3. Sections 6, 7 and 8 of the said Act are repealed and the<sup>ss. 6-8,
re-enacted</sup> following substituted therefor:

6.—(1) For the purpose of enforcing this Act and the<sup>Powers of
inspector</sup> regulations, an inspector may,

- (a) enter any premises, other than a dwelling, that he has reason to believe is used for the producing, marketing or processing of any farm product and inspect the premises and any farm product, packages or equipment found therein;
- (b) enter any vessel, boat, car, truck or other conveyance in which he has reason to believe there is any farm product and inspect the vessel, boat, car, truck or other conveyance and any farm product, packages or equipment found therein;
- (c) obtain a sample of any farm product or package thereof at the expense of the owner for the purpose of making an inspection thereof; and
- (d) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom relating to farm products.

Production
of documents

- (2) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of photocopy

- (3) Where a book, record, document or extract has been photocopied under subsection 2, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 2 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to
be in
writing

- (4) Where an inspector makes a demand under clause *d* of subsection 1, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

Detention
for purposes
of
inspection

- 7.—(1) For the purpose of inspecting any farm product or package, an inspector may detain it at the risk and expense of the owner and, after detaining it, the inspector shall forthwith notify the owner or person who had possession of it of the detention.

- (2) Where an inspector detains any farm product or package under subsection 1, he shall, as soon as may be practicable, inspect the farm product or package and shall forthwith thereafter,
- (a) release the farm product or package from detention; or
 - (b) detain the farm product or package under subsection 3.
- (3) Any farm product or package in respect of which an inspector believes on reasonable grounds an offence against this Act or the regulations has been committed, may be detained by him at the risk and expense of the owner, and the inspector shall forthwith thereafter notify the owner or the person who had possession thereof of the detention in writing.
- (4) A notice given by an inspector under subsection 3 shall contain the particulars in respect of which it is alleged the farm product or package does not comply with the Act or the regulations.
- (5) Where an inspector is satisfied that the owner of the farm product or package that is under detention complies with the Act and the regulations respecting the farm product or package, the inspector shall forthwith release them from detention.
- (6) Where a person is convicted of an offence against this Act or the regulations in respect of any farm product or package detained under subsection 3, the convicting judge may declare such farm product or package to be forfeited to Her Majesty, whereupon it may be destroyed or otherwise disposed of as the Minister directs.
- (7) No person shall, without approval in writing by an inspector, sell, offer for sale, move, ship or transport a farm product or package that is under detention.
- (8) Where any farm product is detained under subsection 1 or 3, the farm product shall be detained in the place where it was found by the inspector and shall, while under detention,
- (a) be kept in such place; or
 - (b) be kept in such other place as it may be moved to with the approval in writing of an inspector pursuant to subsection 7.

Obstruction
of inspector
or grader

8. No person shall hinder or obstruct an inspector or grader in the course of his duties or furnish an inspector or grader with false information or refuse to permit any farm product to be inspected or refuse to furnish an inspector or grader with information.

s. 10,
re-enacted

4. Section 10 of the said Act is repealed and the following substituted therefor:

Offences

10.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a subsequent offence.

Idem

(2) Every person who contravenes any of the provisions of section 8 is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$1,000.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1972*.

CHAPTER 38

**An Act respecting
the Installation of Agricultural Tile Drainage**

*Assented to May 4th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Agricultural Tile Drainage Licence Review Board established by this Act;
- (b) "Director" means the Director appointed for the purpose of this Act;
- (c) "drainage work" means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "licence" means a licence under this Act;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "regulations" means the regulations made under this Act.

2.—(1) No person shall carry on the business of installing ^{Licences} a drainage work unless he is the holder of a licence for such purpose from the Director.

(2) No person shall be the operator of a machine used in ^{Idem} installing a drainage work unless he is the holder of a licence for such purpose from the Director.

Idem

(3) No person shall use, or permit or cause to be used, in installing a drainage work a machine unless the owner of the machine has obtained a licence therefor from the Director and the licence is attached to and exposed on the machine.

Non-application of Act

3. Where a person performs the installation of a drainage work on agricultural land owned or occupied by him, this Act does not apply.

Issue of licence

4.—(1) The Director shall issue a licence to carry on the business of installing drainage works to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all facilities and equipment necessary to carry on the business in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

Idem

(2) The Director shall issue a licence to be the operator of a machine used in installing drainage works to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant is not competent to operate the machinery or class thereof in respect of which the application is made;
- (b) the applicant has not attended the courses of instruction and passed the examinations prescribed in the regulations for the class of licence applied for;
- (c) the applicant has not completed the in-service training period prescribed in the regulations for the class of licence applied for; or

- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(3) The Director shall issue a licence for a machine used in installing drainage works on application therefor by the owner and payment of the prescribed fee unless, after a hearing, he is of opinion that the machine, ^{Idem}

- (a) is not properly designed, constructed or equipped for the purposes for which it will be used;
- (b) is not in good working order; or
- (c) does not comply with performance standards prescribed in the regulations.

(4) Subject to section 5, the Director shall renew a licence that is or has expired, on application by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. ^{Renewal of licence}

5.—(1) The Director may refuse to renew or may suspend or revoke a licence to carry on the business of installing drainage works if, after a hearing, he is of opinion that, ^{Refusal to renew licence, suspension or revocation}

- (a) the facilities and equipment used in the business do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations and such contravention warrants refusal to renew, suspension or revocation of the licence; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

(2) The Director may refuse to renew or may suspend or revoke a licence to be the operator of a machine used in installing drainage works if, after a hearing, he is of opinion that, ^{Idem}

- (a) the licensee has contravened or has permitted any person under his control or direction in connection with the operation of the machine to contravene any provision of this Act or the regulations and such contravention warrants a refusal to renew, suspension or revocation; or

- (b) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Idem

(3) The Director may refuse to renew or may suspend or revoke a licence for a machine used in installing drainage works if, after a hearing, he is of opinion that,

- (a) any ground for refusing to issue a licence exists;
- (b) the owner or any other person permitted to have the control or use of the machine has contravened any provisions of this Act or the regulations and such contravention warrants a refusal to renew, suspension or revocation; or
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists.

Continuation
of licence
pending
renewal

(4) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and has paid the prescribed fee and observed and carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of
hearing

6.—(1) The Notice of a hearing by the Director under section 4 or 5 shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of
decision by
Director

7. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Review
Board
established

8.—(1) A board to be known as the "Agricultural Tile Drainage Licence Review Board" is hereby established and

shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

(2) A member of the Board shall hold office for not more ^{Term of office} than five consecutive years.

(3) The Lieutenant Governor in Council may appoint one of ^{Chairman, etc.} the members of the Board as chairman and another of the members as vice-chairman.

(4) A majority of the members of the Board constitutes ^{Quorum} a quorum.

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. ^{Remuneration}

9.—(1) Where the Director refuses to issue or renew or ^{Appeal to Board} suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board.

(2) The Board may extend the time for the giving of notice ^{Extension of time for appeal} by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

(3) Where an applicant or licensee appeals to the Board ^{Disposal of appeal} under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

(4) Notwithstanding that an applicant or licensee has ^{Effect of decision pending disposal of appeal} appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

10.—(1) The Director, the appellant and such other ^{Parties} persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all persons so present participate in the decision.

Appeal to court

11.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of Court.

Minister entitled to be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to be filed in court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board.

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Effect of
decision of
Board
pending
disposal of
appeal

12.—(1) For the purposes of this Act, the Minister may appoint a Director and one or more inspectors.

Appointment
of Director
and
inspectors

(2) For the purposes of carrying out his duties under this Act, an inspector may at any time between sunrise and sunset enter any premises or building other than a dwelling house, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

Powers of
inspector

R.S.O. 1970,
c. 450

(3) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Certificate of
appointment

13. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Obstruction

14. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

Offence

15. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for the manner of issuing licences and prescribing their duration, the fees payable therefor and the terms and conditions on which they are issued;
- (b) prescribing grounds for refusal to renew, suspension or revocation of licences in addition to the grounds mentioned in section 5;
- (c) establishing classes of machine operators and prescribing the qualifications for each class and the duties that may be performed by each class;
- (d) providing for courses of instruction and examinations and requiring licence holders or applicants for a licence under this Act to attend such courses and pass such examinations;

- (e) prescribing the facilities and equipment to be provided by persons engaged in the business of installing drainage works;
- (f) prescribing standards and procedures for the installation of drainage works;
- (g) prescribing performance standards for machines used in installing drainage works;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

17. This Act may be cited as *The Agricultural Tile Drainage Installation Act, 1972*.

CHAPTER 39

An Act to amend The Weed Control Act

*Assented to May 4th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Weed Control Act*, being chapter 493 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 87, is repealed and the following substituted therefor:

1. In this Act,

Interpre-
tation

- (a) "area weed inspector" means a person appointed under section 6 to enforce this Act;
- (b) "chief inspector" means the chief inspector appointed under this Act;
- (c) "Director" means the Director appointed under this Act;
- (d) "district weed inspector" means a district weed inspector appointed under this Act;
- (e) "inspector" means an area weed inspector, district weed inspector or municipal weed inspector;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "municipal weed inspector" means a person appointed under section 8 to enforce this Act;
- (h) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (i) "owner" means the person shown as the owner of property on the last revised assessment roll

of the municipality in which the property is located;

(j) "regulations" means the regulations made under this Act;

(k) "weed seed" means the seed of a noxious weed.

s. 4 (2),
repealed

2. Subsection 2 of section 4 of the said Act is repealed.

s. 5 (2),
repealed

3. Subsection 2 of section 5 of the said Act is repealed.

ss. 6, 7, 8,
re-enacted

4. Sections 6, 7 and 8 of the said Act are repealed and the following substituted therefor:

Appointment
of inspectors
in counties
and regional
municipalities

6.—(1) The council of every county and regional municipality shall by by-law appoint one or more persons as area weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation.

Division of
municipality
into areas

(2) Any such council may divide the municipality into areas and appoint one or more area weed inspectors for each area.

Failure
to appoint
inspectors

(3) Where a council fails to appoint an area weed inspector under subsection 1, the Minister may appoint the area weed inspector and fix his remuneration or other compensation and shall notify the council of the appointment in writing and the treasurer of the municipality shall pay the remuneration or other compensation so fixed.

Clerk to
report
inspectors

7.—(1) The clerk of each county and regional municipality shall, before the 1st day of April in each year, state in writing to the chief inspector the name and address of every area weed inspector for the municipality under this Act and the area for which each area weed inspector is appointed.

Idem

(2) Where the council of a county or regional municipality passes a by-law under this Act on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law state in writing to the chief inspector the name and address of every area weed inspector appointed and the area for which the appointment is made.

Idem

(3) Where any area weed inspector resigns or the council revokes his appointment, the clerk of the municipality

shall within seven days of the resignation or revocation, as the case may be, state the particulars thereof in writing to the chief inspector.

- 8.—(1) The council of any municipality not referred to in subsection 1 of section 6 may by by-law appoint one or more persons as municipal weed inspectors to enforce this Act in the area within its jurisdiction and fix their remuneration or other compensation. Appointment of inspectors in cities, etc.
- (2) Where persons are appointed as municipal weed inspectors under subsection 1, they shall carry out their duties in co-operation with the area weed inspector and the area weed inspector may, when he considers it necessary, exercise all the powers of an inspector under this Act in that municipality. Co-operation with area weed inspector
- (3) Where the council of a municipality has appointed a municipal weed inspector under subsection 1, it may by by-law designate any plant that is not a noxious weed as a local weed in respect of the whole or any part of the municipality. Designation of local weed by municipal by-law
- (4) For the purposes of this Act, a plant that is designated as a local weed under subsection 3 shall be deemed to be a noxious weed within the area to which the by-law applies. Effect of designation
- (5) A by-law passed under subsection 3 does not take effect until it is approved by the Minister. Approval of by-laws

5. Section 14 of the said Act is amended by striking out “inspectors or the county” in the fourth line and inserting in lieu thereof “municipal weed inspectors or, where there are no municipal weed inspectors, the area” and by striking out “*The Assessment Act*” in the fifteenth line and inserting in lieu thereof “*The Municipal Act*”, so that the section shall read as follows: s. 14, amended

14. Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation in the municipality, may direct any of its municipal weed inspectors or, where there are no municipal weed inspectors, the area weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding ten acres, whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the in- Destruction of weeds in subdivided areas

spector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Municipal Act*, subject to an appeal to the Assessment Review Court, in the same manner as for taxes under section 76 of *The Assessment Act*.

R.S.O. 1970,
cc. 284, 32

s. 19,
re-enacted

6.—(1) Section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 87, is repealed and the following substituted therefor:

Exception

19. Sections 4, 11, 14 and 15 do not apply to noxious weeds or weed seeds that are so far distant from any place used for agricultural or horticultural purposes that the noxious weeds or weed seeds can have no material effect on the agricultural or horticultural use of such place.

ss. 19a-19h,
repealed

(2) Sections 19a to 19h of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 87, are repealed.

s. 20 (1),
re-enacted

7. Subsection 1 of section 20 of the said Act is repealed and the following substituted therefor:

Offence

(1) Every person who contravenes any of the provisions of this Act or of the regulations, or of any order made under this Act, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$50 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$100.

s. 21 (a),
re-enacted

8.—(1) Clause a of section 21 of the said Act is repealed and the following substituted therefor:

(a) designating plants as noxious weeds.

s. 21 (e, f),
repealed

(2) Clauses e and f of the said section 21 are repealed.

s. 21 (g),
re-enacted

(3) Clause g of the said section 21 is repealed and the following substituted therefor:

(g) providing for the reimbursement of counties, regional municipalities and municipalities in territorial districts by the Province of Ontario for any part of the

moneys expended under this Act and prescribing limits on amounts reimbursed.

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

10. This Act may be cited as *The Weed Control Amendment* ^{Short title}
Act, 1972.

CHAPTER 40

An Act to amend The Marine Insurance Act

*Assented to May 4th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Marine Insurance Act*, s. 3 (1), being chapter 260 of the Revised Statutes of Ontario, 1970, ^{re-enacted} is repealed and the following substituted therefor:

- (1) A contract of marine insurance may, by its express terms or usage of the trade, be written so as to protect the assured against losses on inland waters, or may be extended so as to protect the assured against losses on any land or air risk that may be incidental to any sea or inland water voyage. ^{Mixed sea, land and air risks}

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}

3. This Act may be cited as *The Marine Insurance Amendment Act, 1972*. ^{Short title}

CHAPTER 41

**An Act to amend
The Operating Engineers Act**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Operating Engineers Act*, being chapter 333 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1, par. 8, re-enacted

8. “compressor plant” means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compressing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 3.816.

(2) Paragraph 19 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 19, re-enacted

19. “refrigeration plant” means an installation comprised of one or more refrigerant compressors with prime movers and the equipment used in connection therewith for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 2.544.

2.—(1) Section 2 of the said Act is amended by adding thereto the following clause: s. 2, amended

- (ja) a compressor of the centrifugal, screw, turbine, rotary vane or rotary lobe type.

(2) Clauses *l* and *m* of the said section 2 are repealed and the following substituted therefor: s. 2, cls. l, m, re-enacted

- (l) a compressor or an installation comprised of more than one compressor, whether or not connected to a registered plant, where,

- (i) the Therm-hour rating of the prime mover of the compressor is 1.145 or less, or
 - (ii) the Therm-hour rating of the prime mover of each compressor of the installation is 1.145 or less and the total Therm-hour rating of the installation is 3.816 or less;
- (*m*) a refrigerant compressor or an installation comprised of more than one refrigerant compressor, whether or not connected to a registered plant, where,
- (i) the Therm-hour rating of the prime mover of the refrigerant compressor is 0.7632 or less, or
 - (ii) the Therm-hour rating of the prime mover of each refrigerant compressor of the installation is 0.7632 or less and the total Therm-hour rating of the installation is 2.544 or less.

s. 2, cls. *o*, *p*,
re-enacted,
s. 2, cls. *q*, *r*, *s*,
enacted

(3) Clauses *o* and *p* of the said section 2 are repealed and the following substituted therefor:

- (*o*) a boiler or an installation comprised of more than one boiler, whether or not connected to a registered plant, where,
- (i) the boiler contains steam at a pressure of 15 or less, or water at a temperature at any boiler outlet of 250° F. or less, has a Therm-hour rating of 10 or less, and is not connected to another boiler, or
 - (ii) each boiler of the installation contains steam at a pressure of 15 or less, or water at a temperature at any boiler outlet of 250° F. or less, and each boiler has a Therm-hour rating of 10 or less, and the total Therm-hour rating of the installation is 50 or less;
- (*p*) a boiler or an installation comprised of more than one boiler, whether or not connected to a registered plant, where,
- (i) the boiler contains steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F., has a Therm-hour rating of 5 or less and is not connected to another boiler, or

- (ii) each boiler of the installation contains steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F., and each boiler has a Therm-hour rating of 5 or less, and the total Therm-hour rating of the installation is 17 or less;
- (q) any boiler, compressor or refrigerant compressor that was installed as an unattended plant before the day upon which *The Operating Engineers Amendment Act*, 1972, c. 41 1972 came into force;
- (r) a coiled tube boiler containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250° F. or less and having a water content of 150 Imperial gallons or less;
- (s) a coiled tube boiler containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250° F. and having a water content of 75 Imperial gallons or less.

3. Section 22 of the said Act is repealed and the following ^{s. 22, re-enacted} substituted therefor:

22.—(1) The Board shall issue, in accordance with the ^{Certificate of qualification} regulations, a certificate of qualification to any person who,

- (a) shows proof satisfactory to the Board of having acquired the qualifying experience required by the regulations;
- (b) passes the examination conducted by the Board, or furnishes evidence that he has successfully completed a course of training that the Minister has approved for the purpose upon the advice of the board of review; and
- (c) pays the fee prescribed by the regulations.

(2) Every certificate of qualification remains in force as ^{Term} prescribed by the regulations.

4. Sections 26 and 27 of the said Act are repealed and ^{s. 26, re-enacted; s. 27, repealed} the following substituted therefor:

26. Every operating engineer or operator shall display ^{Posting of certificates} conspicuously his certificate of qualification in the engine room, compressor room or boiler room of the

plant in which the operating engineer or operator works, except in the case of a steam hoisting or hoisting engineer, in which case he shall carry the certificate upon his person.

s. 30a,
enacted

5. The said Act is amended by adding thereto the following section:

False
statements

30a. No person shall knowingly make a false statement or entry in an application, log book or document required by this Act or the regulations to be submitted or kept or knowingly furnish information under this Act or the regulations that is false, or knowingly make use of any such false statement, entry or information.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Operating Engineers Amendment Act, 1972*.

CHAPTER 42

An Act respecting Ontario Credit Union League Limited

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "League" means the Ontario Credit Union League Limited, a company incorporated under *The Credit Unions Act, 1940*; ^{1940, c. 7}
- (b) "Society" means the Ontario Co-operative Credit Society, a company incorporated by *The Ontario Co-operative Credit Society Act, 1949*. ^{1949, c. 133}

2. Subject to the approval of the Lieutenant Governor in Council and subject to such terms and conditions as he may impose, the League may purchase, acquire and take over as a going concern the whole of the business and undertaking of the Society, including the goodwill and any or all of its assets, property, privileges, contracts, rights, choses in action, bills of exchange and promissory notes, and the League may thereafter carry on the said business. ^{Acquisition of Society by League}

3. The League shall assume, as part of the purchase price of the business and undertaking of the Society, all of the liabilities of the Society, and may pay the balance in cash or by the issue of shares to the Society or to the members thereof, whether or not such members are members of the League, and the Society is discharged from any liability in respect of its liabilities. ^{Liabilities}

4. In addition to any powers the League has under *The Credit Unions Act* and notwithstanding any provision thereof to the contrary, the League may accept into membership, ^{Membership R.S.O. 1970, c. 96}

- (a) co-operative corporations incorporated, organized or registered under provincial co-operative legislation or governed by such legislation;

- (b) corporations organized for charitable purposes;
- (c) corporations, no part of the income of which is payable to, or otherwise benefits personally, any shareholder or member thereof; or
- (d) corporations however incorporated (whether under the laws of Ontario or not) which in the opinion of the directors are operating as co-operative corporations,

and may make loans to any such members.

Participation
in Canadian
Co-operative
Credit Society
Limited

5. The League may acquire and hold shares of the capital stock of Canadian Co-operative Credit Society Limited, being a company incorporated by chapter 28 of the Statutes of Canada, 1952-53, and accept all the powers, privileges and immunities and subject itself to the limitations, liabilities and provisions mentioned in subsection 1 of section 80 of the *Co-operative Credit Associations Act*, being chapter C-29 of the Revised Statutes of Canada, 1970.

League
continued
as league
under
R.S.O. 1970,
c. 96

6. The League continues as a league under and subject to *The Credit Unions Act*, notwithstanding this Act or anything done by the League under the authority of this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ontario Credit Union League Limited Act, 1972*.

CHAPTER 43

**An Act to amend
The Survivorship Act**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Survivorship Act*, being ^{s. 1 (2),} chapter 454 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(2) This section shall be read and construed subject to ^{Exceptions} sections 190 and 268 of *The Insurance Act* and ^{R.S.O. 1970,} section 36 of *The Wills Act*. ^{cc. 224, 499}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Survivorship Amendment* ^{Short title} *Act, 1972.*

CHAPTER 44

An Act to amend The Change of Name Act

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Change of Name Act*, s. 2 (3), being chapter 60 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) Any person of the full age of eighteen years who effected a change of name in Ontario under a right that existed at law before the 26th day of June, 1939, may make an application under this Act to change his name from the name he bore before the change to the name he bears as a result of the change, as though the change had not been effected.

Application where name changed before June 26, 1939

2. Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor:

s. 3 (1). re-enacted

(1) Any person may make an application who has had his ordinary residence in Ontario for at least one year immediately before making the application and who is at least eighteen years of age.

Who may apply

3. Section 4 of the said Act is repealed and the following substituted therefor:

s. 4. re-enacted

4.—(1) A married person applying for a change of sur-name shall also apply for a change of the surnames of his or her spouse and of all unmarried infant children of the husband or of the marriage.

Application by married person

(2) A married person may apply for a change of the given names of any or all of his or her unmarried infant children.

Idem

4. Subsection 4 of section 6 of the said Act is amended by striking out "Notwithstanding section 3" in the first line.

s. 6 (4). amended

s. 8,
amended

5. Section 8 of the said Act is amended by striking out “Notwithstanding section 3” in the first line.

s. 9,
repealed

6. Section 9 of the said Act is repealed.

s. 10,
re-enacted

7. Section 10 of the said Act is repealed and the following substituted therefor:

Consent of
spouse and
children

10.—(1) Where an application includes an application for a change of the name of the spouse of the applicant or of any unmarried infant children of the age of fourteen years or over, the consent in writing of all such persons shall be obtained, and all such persons shall appear on the hearing of the application, provided that where the spouses have, in the opinion of the judge, been living apart for a period of five years immediately before the application, the judge may hear the application in the absence of and without the consent of the spouse who is not applying, in which case no change of his or her name shall be effected.

Consent of
other parent
or spouse

(2) Where the consent of any person is required under subsection 3 or 4 of section 6 or under section 8, the consent in writing of all such persons shall be obtained, and all such persons shall appear on the hearing of the application.

Dispensing
with consent

(3) Notwithstanding subsection 2, where the judge is satisfied that the other parent in the case of an application under section 6 does not contribute to the support of the applicant or the children on whose behalf the application is made, or cannot be found, or is incapable of giving such consent, or for any reason is a person whose consent ought to be dispensed with, the judge may dispense with the service of the notice of the application on such person and may hear the application in his or her absence and without his or her consent.

s. 13 (1) (b-e),
re-enacted

8. Clauses *b*, *c*, *d* and *e* of subsection 1 of section 13 of the said Act are repealed and the following substituted therefor:

(b) where the applicant is married, the name in full before marriage of the applicant's spouse, and the date and place of the marriage;

(c) the name in full of the applicant's father and, where the applicant is married, the name in full of the father of the spouse of the applicant;

(d) the maiden name in full of the mother of the applicant and, where the applicant is married, the maiden name in full of the mother of the spouse of the applicant;

(e) that he has had his ordinary residence in Ontario for a period of not less than one year immediately before making the application.

9. Section 15 of the said Act is amended by adding "and"^{s. 15, amended} at the end of clause *c*, by striking out "and" at the end of clause *d*, and by striking out clause *e*.

10. This Act does not apply in respect of applications for^{Application of Act} change of name filed before this Act comes into force.

11. This Act comes into force on the 1st day of July, 1972.^{Commence-ment}

12. This Act may be cited as *The Change of Name Amendment Act, 1972*.^{Short title}

CHAPTER 45

**An Act to amend
The Professional Engineers Act**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The Professional Engineers Act*, being chapter 366 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(4) The head office of the Association shall be in The Municipality of Metropolitan Toronto.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Professional Engineers Amendment Act, 1972*.

CHAPTER 46

An Act to amend The Municipal Affairs Act

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 52 of *The Municipal Affairs Act*, s. 52 (1), being chapter 118 of the Revised Statutes of Ontario, 1970, ^{amended} is amended by inserting after "subsection 4" in the seventh line "or 5".

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

3. This Act may be cited as *The Municipal Affairs Amend-* Short title
ment Act, 1972.

CHAPTER 47

An Act to amend The Local Improvement Act

Assented to May 16th, 1972

Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 26 of section 1 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1, par. 26, re-enacted

26. "value" means the assessed value according to the last revised assessment roll of the municipality.

2. Subsection 2 of section 52 of the said Act is amended s. 52 (2), amended by striking out "assessment commissioner" in the fifth line and inserting in lieu thereof "regional registrar of the Assessment Review Court".

3. This Act comes into force on the day it receives Royal Assent. Commence-ment

4. This Act may be cited as *The Local Improvement Amendment Act, 1972*. Short title

CHAPTER 48

An Act to amend The Judicature Act

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 1 of section 17 of *The Judicature Act*, s. 17 (1) (*f*), being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 57, section 1, is repealed and the following substituted therefor:

(*f*) all appeals from final judgments or orders of the master, local judge, local master, or other officer of the Supreme Court, except final judgments or orders made by a local judge under the *Divorce Act* R.S.C. 1970, c. D-8 (Canada).

2. This Act shall be deemed to have come into force on the 17th day of April, 1972. Commence-
ment

3. This Act may be cited as *The Judicature Amendment Act*, 1972. Short title

CHAPTER 49

An Act to amend The Quieting Titles Act

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 42 of *The Quieting Titles Act*, being chapter 396 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 42.
re-enacted</sup>

42. Every local master of the Supreme Court is local referee of titles and, where the proceedings under the petition are to be conducted at Toronto, the Inspector of Titles is Referee of Titles. <sup>Referees
of Titles</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Quieting Titles Amendment Act, 1972*. ^{Short title}

CHAPTER 50

An Act to amend The Matrimonial Causes Act

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 6 of *The Matrimonial Causes Act*, being chapter 265 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 6 (2), re-enacted}

- (2) Where a petition or counter-petition for divorce or the statement of claim in an action for the annulment of a marriage contains particulars of any child of the marriage who, at the time of the commencement of the action, ^{Official Guardian's report}

(a) is under sixteen years of age; or

(b) is sixteen or seventeen years of age and is in full-time attendance at an educational institution or through illness or infirmity is unable to earn a livelihood,

the Official Guardian shall cause an investigation to be made and shall report to the court upon all matters relating to the custody, maintenance and education of the child.

(2) Subsection 5 of the said section 6 is repealed and the following substituted therefor: ^{s. 6 (5), re-enacted}

- (5) Where the facts contained in the report are disputed, the Official Guardian or his agent shall if directed by the court, and may when not so directed, attend the trial on behalf of the child and cause the person making the investigation to attend as a witness. ^{Attendance at trial}

(3) Subsections 7 and 8 of the said section 6 are repealed and the following substituted therefor: ^{s. 6 (7, 8), re-enacted}

Payment of
fees and
disburse-
ments

- (7) The petitioner in a petition for divorce or the plaintiff in an action for annulment shall pay such fees for and disbursements arising from an investigation in respect of the petition or action as are prescribed under *The Administration of Justice Act*.

R.S.O. 1970,
c. 6

Idem

- (8) The Official Guardian shall not file his report of the investigation with the court until such fees and disbursements have been paid unless otherwise directed by the court.

s. 6 (11),
re-enacted

- (4) Subsection 11 of the said section 6 is repealed and the following substituted therefor:

Fees, etc.,
deemed costs
in action

- (11) The fees and disbursements of the Official Guardian payable under subsection 7 shall be deemed to be costs incurred in the action for the purposes of any award as to costs by the judge.

Application
of section

- (5) This section applies in respect of a petition filed or action commenced on or after the 1st day of April, 1972.

Commence-
ment

- 2.** This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

- 3.** This Act may be cited as *The Matrimonial Causes Amendment Act, 1972*.

CHAPTER 51

**An Act to amend
The Regional Municipality of Niagara Act**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: ^{s. 3, amended}

- (1a) Notwithstanding subsection 1, the Minister may, on the request of any area municipality, by order, vary the composition of the council of such area municipality. ^{Minister may vary composition of council}

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: ^{s. 3 (3), re-enacted}

- (3) For the purposes of the elections of the councils of the area municipalities for the years 1973 and 1974, the Minister may by order, ^{Elections 1972}

- (a) redivide into wards the Town of Lincoln, the Town of Fort Erie, the City of Niagara Falls, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Welland or the Township of West Lincoln, all as constituted by section 2, and make provision for the respective number of aldermen to be elected in the respective wards;
- (b) with respect to the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously from the 1st day of January, 1972 to the date of nomination in such wards are eligible to be elected as aldermen for such wards; and
- (c) provide for such other matters as he considers necessary to hold the elections.

s. 3 (5),
repealed

(3) Subsection 5 of the said section 3 is repealed.

s. 27a,
enacted

2. The said Act is amended by adding thereto the following section:

Construction,
etc., of
waterworks
system

27a. The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith.

s. 28 (6),
re-enacted

3. Subsection 6 of section 28 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 32 (2),
repealed

4. Subsection 2 of section 32 of the said Act is repealed.

s. 42 (2),
amended

5. Subsection 2 of section 42 of the said Act is amended by striking out "not exceeding one-half of 1 per cent for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "of 12 per cent per annum, or such lower rate as the Regional Council determines".

s. 50 (6),
re-enacted

6. Subsection 6 of section 50 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 70 (2),
amended

7. Subsection 2 of section 70 of the said Act is amended by adding at the end thereof "expressed by resolution".

s. 114 (6),
re-enacted

8. Subsection 6 of section 114 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the

Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

9. Section 116 of the said Act is amended by adding ^{s. 116, amended} thereto the following subsection:

- (2) In sections 119, 120 and 122 "Department" means the ^{Idem} Ministry of Revenue.

10. Subsections 3 and 4 of section 118 of the said Act ^{s. 118 (3), re-enacted, s. 118 (4), repealed} are repealed and the following substituted therefor:

- (3) Section 43 of *The Assessment Act* and section 606 of ^{Application of R.S.O. 1970, cc. 32, 284} *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

11. Subsection 1 of section 130 of the said Act is amended by ^{s. 130 (1), amended} inserting after "levies" in the sixth line "and other revenues".

12. Subsection 2 of section 134 of the said Act is repealed ^{s. 134 (2), re-enacted} and the following substituted therefor:

- (2) When the Municipal Board has authorized the borrow- ^{Idem} ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

13.—(1) Section 135 of the said Act is amended by adding ^{s. 135, amended} thereto the following subsections:

- (6a) Notwithstanding subsection 5, the Regional Council ^{Instalment debentures and debentures to refund existing debentures at maturity} may by by-law,
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment

of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

- (*b*) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

- (6*b*) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6*a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6*a*, and any levy imposed by a by-law under clause *b* of subsection 6*a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6*a* was levied.

s. 135 (18),
amended

- (2) Subsection 18 of the said section 135 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

- (*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(3) Subsection 19 of the said section 135 is amended by <sup>s. 135 (19),
amended</sup> inserting after "Britain" in the third line "or in any currency other than that of Canada".

(4) Subsection 20 of the said section 135 is amended by <sup>s. 135 (20),
amended</sup> striking out " $3\frac{1}{2}$ " in the third line and inserting in lieu thereof "5".

(5) Subsections 22 and 23 of the said section 135 are repealed <sup>s. 135 (22, 23),
re-enacted</sup> and the following substituted therefor:

(22) When sinking fund debentures are issued, there shall <sup>Sinking
fund
committee</sup> be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(23) The Regional Council may appoint an alternate <sup>Alternate
members</sup> member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(6) Subclause ii of clause b of subsection 40 of the said section <sup>s. 135 (40)
(b) (ii),
amended</sup> 135 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

14. Subsection 1 of section 154 of the said Act is repealed <sup>s. 154 (1),
re-enacted</sup> and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections <sup>Application
of R.S.O. 1970,
c. 284</sup> 249 and 254, paragraphs 3 and 24 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

15.—(1) This Act, except section 4, comes into force on <sup>Commence-
ment</sup> the day it receives Royal Assent.

(2) Section 4 comes into force on a day to be named by the ^{Idem} Lieutenant Governor by his proclamation.

16. This Act may be cited as *The Regional Municipality* ^{Short title} *of Niagara Amendment Act, 1972.*

CHAPTER 52

**An Act to amend
The District Municipality of Muskoka Act**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 29 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 29 (6),
re-enacted

- (6) If the District Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

2. Subsection 1 of section 33 of the said Act is repealed and the following substituted therefor:

s. 33 (1),
re-enacted

- (1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Special
benefit

3. Subsection 2 of section 49 of the said Act is amended by adding at the end thereof "expressed by resolution".

s. 49 (2),
amended

s. 56 (1),
amended

4. Subsection 1 of section 56 of the said Act is amended by inserting after "by" in the fourth line, "resolution of".

s. 64 (3),
re-enacted

5. Subsection 3 of section 64 of the said Act is repealed and the following substituted therefor:

Default

(3) If the District Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 89,
amended

6. Section 89 of the said Act is amended by adding thereto the following subsection:

Idem

(2) In sections 92, 94 and 96, "Department" means the Ministry of Revenue.

s. 91,
amended

7. Section 91 of the said Act is amended by adding thereto the following subsection:

Application
of R.S.O. 1970,
cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

s. 106 (1),
amended

8. Subsection 1 of section 106 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

s. 110 (2),
re-enacted

9. Subsection 2 of section 110 of the said Act is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

10.—(1) Section 111 of the said Act is amended by adding ^{s. 111,} thereto the following subsections:

- (6a) Notwithstanding subsection 5, the District Council ^{Instalment debentures and debentures to refund existing debentures at maturity} may by by-law,
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

- (6b) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection 6a may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6a, and any levy imposed by a by-law under clause *b* of subsection 6a shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6a was levied.

s. 111 (20),
amended

(2) Subsection 20 of the said section 111 is amended by striking out "3½" in the third line and inserting in lieu thereof "5".

s. 111 (22, 23),
re-enacted

(3) Subsections 22 and 23 of the said section 111 are repealed and the following substituted therefor:

Sinking
fund
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the District Council, and the two appointed members may be paid, out of the current fund of the District Corporation, such annual remuneration as the District Council determines.

Alternate
members

(23) The District Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

s. 111 (40)
(b) (ii),
amended

(4) Subclause ii of clause *b* of subsection 40 of the said section 111 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1972*.

CHAPTER 53

**An Act to amend
The Consumer Protection Act**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

46a.—(1) For the purposes of this section, in addition to the meanings defined in clauses *c* and *s* of section 1,

(a) “buyer” includes a person who hires or leases goods for consumption where,

(i) he has an option to purchase the goods, or

(ii) upon compliance with agreed terms, he will become the owner of the goods or will be entitled to keep them without further payment;

(b) “seller” includes a person who is in the business of letting goods, by hire or lease, to buyers.

(2) No seller shall hold out to a buyer or prospective buyer any advantage, benefit or gain to the buyer or prospective buyer for doing anything that purports to assist the seller in finding or selling to another prospective buyer.

(3) Notwithstanding the provision for or imposition of a penalty under this Act, any contract entered into following the holding out referred to in subsection 2 is not binding on the buyer.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Consumer Protection Amendment Act, 1972*.

CHAPTER 54

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "except The Metropolitan Toronto School Board". s. 22 (1),
amended

2. Subsection 2 of section 118 of the said Act is repealed and the following substituted therefor: s. 118 (2),
re-enacted

(2) The number of members to be elected by public school electors to the boards of education, Members
elected by
public school
electors

(a) for the City of Toronto and for the boroughs of Etobicoke and East York shall be two in each ward of the city or borough, as the case may be;

(b) for each of the other area municipalities shall be one in each ward of the area municipality.

3.—(1) Subsection 1 of section 119 of the said Act is repealed and the following substituted therefor: s. 119 (1),
re-enacted

(1) The provisions of *The Ministry of Education Act*, *The Public Schools Act*, *The Schools Administration Act*, Parts I, II, III, V and VI of *The Secondary Schools and Boards of Education Act* and the regulations that are not inconsistent with this Act apply to the boards of education referred to in subsection 1 of section 118, and, so far as such provisions are inconsistent with this Act, they do not apply to such boards of education. Application
of R.S.O. 1970,
cc. 385, 424,
425, 430

(2) The said section 119 is amended by adding thereto the following subsection: s. 119,
amended

Auditors for
boards of
education for
area municipa-
lities
R.S.O. 1970,
c. 425

- (1a) Section 36 of *The Secondary Schools and Boards of Education Act* applies *mutatis mutandis* to each such board of education as if it were a divisional board of education.

s. 121 (2),
re-enacted

- 4.—(1) Subsection 2 of section 121 of the said Act is repealed and the following substituted therefor:

Composition
of School
Board

- (2) On and after the 1st day of January, 1973, the School Board, subject to subsection 6, shall be composed of the chairman of each board of education in the Metropolitan Area and,

- (a) one member of and appointed by The Board of Education for the Borough of Etobicoke;
- (b) three members of and appointed by The Board of Education for the Borough of North York;
- (c) two members of and appointed by The Board of Education for the Borough of Scarborough;
- (d) five members of and appointed by The Board of Education for the City of Toronto; and
- (e) three members appointed by the Metropolitan Separate School Board who may be members of such board.

s. 121 (3),
amended

- (2) Subsection 3 of the said section 121 is amended by inserting after "York" in the first line "The Board of Education for the Borough of Etobicoke".

s. 121 (6),
re-enacted

- (3) Subsection 6 of the said section 121 is repealed and the following substituted therefor:

Disqualifica-
tion of
member of
board of
education

- (6) A member of a board of education for an area municipality who is,
- (a) elected by separate school supporters; or
 - (b) appointed, in the case of a vacancy, by the remaining members elected to the board of education by separate school supporters or by the Metropolitan Separate School Board,

is not eligible to be a member of the School Board and, where such member is the chairman of the board of education, the board of education shall appoint in his stead another member thereof as a member of the School Board.

- (7) No person employed by the School Board is eligible to be a member of the School Board. Disqualification of employee

5. Subsection 3 of section 122 of the said Act is amended by inserting after "121" in the second line "or an alternate member of the School Board under subsection 3 of section 121" and by adding at the end thereof "or an alternate member, as the case may be". s. 122 (3), amended

6. Subsection 3 of section 124 of the said Act is amended by striking out "under clause e of subsection 2 of section 121" in the first and second lines and inserting in lieu thereof "by the Metropolitan Separate School Board". s. 124 (3), amended

7. Section 127 of the said Act is amended by adding thereto the following subsection: s. 127, amended

- (2) The School Board may,

Additional powers

- (a) include in its estimates a sum for expenditures by or on behalf of one or more boards of education within the Metropolitan Area without designating such board or boards and, when such board or boards have been designated, pay amounts from such sum to or on behalf of such board or boards;
- (b) hold conferences with members and officers of the boards of education for the area municipalities and pay all or part of the costs incurred in connection with such conferences including all or part of the expenses of members and officers of the School Board and of the boards of education for the area municipalities; and
- (c) authorize the destruction of documents in accordance with *The Schools Administration Act*. R.S.O. 1970, c. 424

8. The said Act is amended by adding thereto the following section: s. 127a, enacted

127a. Section 36 of *The Secondary Schools and Boards of Education Act* applies *mutatis mutandis* to the School Board as if it were a divisional board of education. Auditors for school board, etc. R.S.O. 1970, c. 425

9. Subsection 3 of section 131 of the said Act is amended by striking out "and for items eligible for stimulation grants" in the second and third lines. s. 131 (3), amended

Commence-
ment

10.—(1) This Act, except section 1, subsection 2 of section 3 and sections 4 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 2 of section 3 and sections 4 and 8 come into force on the 1st day of January, 1973.

Short title

11. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972*.

CHAPTER 55

**An Act to amend The Ontario
Institute for Studies in Education Act**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Ontario Institute for Studies in Education Act*, being chapter 319 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

8. The fiscal year of the Board that commences on the 1st day of July, 1972 shall end on the 30th day of April, 1973, and thereafter the fiscal year of the Board shall commence on the 1st day of May of each year and end on the 30th day of April of the following year.

2. This Act comes into force on the 1st day of July, 1972.

Commence-
ment

3. This Act may be cited as *The Ontario Institute for Studies in Education Amendment Act, 1972*.

Short title

CHAPTER 56

An Act to amend The Ministry of Community and Social Services Act

*Assented to May 26th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 19, subsection 3, is repealed and the following substituted therefor:

4.—(1) A Deputy Minister of Community and Social Services may be appointed by the Lieutenant Governor in Council. s. 4,
re-enacted
Deputy
Minister

(2) Such officers, clerks and servants as the Minister considers necessary for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*. Staff
R.S.O.
1970, c. 386

2. The said Act is amended by adding thereto the following section: s. 6d,
enacted

6d. The Lieutenant Governor in Council or the Minister may, out of moneys appropriated therefor by the Legislature, direct payment from time to time of grants and contributions for consultation, research and evaluation services with respect to programs of social services and for the provision, encouragement and development of credit counselling services, community development services and other social services. Grants re
social and
credit
counselling
services,
etc.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1972*. Short title

CHAPTER 57

An Act to control Pyramid Methods for the distribution and sale of Commodities

*Assented to May 26th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "business premises" does not include a dwelling;
- (b) "commodity" means any goods, services or rights, or other property whether tangible or intangible, capable of being the subject of sale or lease;
- (c) "Director" means the Executive Director of the Commercial Registration Division of the Ministry;
- (d) "dwelling" means any premises or any part thereof occupied as living accommodation;
- (e) "investor" means a person who gives consideration for the right to participate in a pyramid scheme;
- (f) "Minister" means the Minister of Consumer and Commercial Relations;
- (g) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (h) "prescribed" means prescribed by this Act or the regulations;
- (i) "promoter" means a person who, not being an investor, receives or is entitled to receive any part of the benefits referred to in clause *j*;
- (j) "pyramid scheme" means a scheme for the distribution of a commodity whereby a person may, for valuable consideration, in any manner acquire a

commodity or a right or licence to acquire such commodity for sale, lease or otherwise,

- (i) where such person receives a gratuity or consideration, directly or indirectly, as a result of the recruitment, acquisitions, actions or performances of one or more additional participants, or
- (ii) where such person is or may be paid, directly or indirectly, commissions, cross-commissions, bonuses, refunds, discounts, dividends, gratuities or other considerations as a result of a sale, lease or other distribution of such commodity by any additional participant,

and under circumstances where any part of the benefits referred to in subclause i or ii accrue to any other person participating in the scheme;

(k) "Registrar" means the Registrar of Pyramid Schemes;

(l) "regulations" means the regulations made under this Act;

(m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,
c. 113

Registrar

2.—(1) There shall be a Registrar of Pyramid Schemes who shall be appointed by the Lieutenant Governor in Council.

Duties of
Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Prospectus
required

3. No person shall organize, operate or engage in a pyramid scheme or hold out he is organizing, operating or participating in a pyramid scheme unless a prospectus for the scheme is filed with the Registrar and a certificate of acceptance is issued therefor by the Registrar.

Representa-
tion of
govern-
mental
approval

4. No person shall make any representation, written or oral, that the Director or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus.

Contents of
prospectus

5. Each prospectus submitted to the Registrar shall contain,

- (a) the name and address of each person, partnership, syndicate or corporation who is a promoter and, in the case of a partnership or syndicate, the name and address of each partner and, in the case of a corporation, the name and relationship of each affiliate or subsidiary corporation determined in the manner provided by *The Securities Act*;
- (b) an address in Ontario for service of each promoter;
- (c) the particulars as to the nature of the commodity, its source of supply, the warranties to be granted to consumers, and the facilities for implementing the warranties;
- (d) the numbers and levels of investors including the number of investors in each level, the investments required to attain such levels, the control of locations and areas assigned to investors, the inventory that is to be supplied to investors for any particular investment, the terms upon which further inventory is to be made available and, where the promoter is dealing in a variety of commodities, information on the distribution of the various commodities to investors;
- (e) the provisions available and to be instituted for the training of investors and salesmen;
- (f) the manner in which the funds invested are to be disposed, including all payments of whatever kind made to participants in the scheme;
- (g) all additional charges or fees to be imposed upon an investor after investment, including further purchase obligations;
- (h) the contracts, manuals and promotional or other materials to be used; and
- (i) such other information as the Registrar may require for the proper evaluation of the scheme or as is required by the regulations.

R.S.O. 1970,
c. 426

6.—(1) The Registrar shall issue a certificate of acceptance Certificate of
acceptance
except where,

- (a) having regard to the promoter's financial position, he cannot reasonably be expected to be financially responsible in the conduct of his business;

- (b) the past conduct of the promoter or, where it is a corporation, of its officers or directors affords reasonable grounds for belief that his business will not be carried on in accordance with law and with integrity and honesty;
- (c) the promoter is or will be carrying on activities that are in contravention of this Act or the regulations;
- (d) the prospectus contains any misleading facts or omissions;
- (e) there is no immediate availability of the commodity for marketing;
- (f) there is inadequate provision for the marketing of the commodity, protection of investors and purchasers and training of investors and salesmen;
- (g) the promoter is dealing in a variety of commodities not all of which are available to the investor upon reasonable terms;
- (h) there is not available to investors a ready access to further products when needed;
- (i) the scheme does not provide for the delivery of the commodity to the investor to a retail value of at least the amount of the investment;
- (j) more than 10 per cent of the investment is devoted to finders' fees or other benefits to other participants in the scheme;
- (k) in the opinion of the Registrar, the scheme is unfair or not feasible; or
- (l) the agreement between the investor and the promoter is not a true reflection of the scheme itself.

Terms and
conditions

- (2) A certificate may be issued subject to such terms and conditions as the Registrar may specify in the certificate.

Amendments
to prospectus

7. A promoter shall not depart from the pyramid scheme set out in the prospectus and may amend the prospectus by filing with the Registrar a supplementary prospectus setting out the change and receiving a supplementary certificate of acceptance issued by the Registrar.

8. Subject to section 9, the Registrar may suspend or withdraw the certificate for any reason that would disentitle the promoter to a certificate under section 6 if he were an applicant. Suspension or withdrawal

9.—(1) Where the Registrar proposes to refuse to grant a certificate of acceptance or proposes to suspend or withdraw a certificate, he shall serve notice of his proposal, together with written reasons therefor, on the promoter. Refusal to issue certificate

(2) A notice under subsection 1 shall inform the promoter that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. Notice requiring hearing

(3) Where a promoter does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. Powers of Registrar where no hearing

(4) Where a promoter requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time and place for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar. Powers of Tribunal where hearing

(5) The Tribunal may attach such terms and conditions to its order or to the certificate of acceptance as it considers proper to give effect to the purposes of this Act and the regulations. Conditions of order

(6) The Registrar, the promoter and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

(7) Notwithstanding subsection 1, the Registrar may cancel a certificate of acceptance upon the request in writing of the promoter in the prescribed form surrendering his certificate. Voluntary cancellation

(8) Notwithstanding that a promoter appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal. Order effective, stay
R.S.O. 1970, c. 113

Application
of ss. 11, 12

10. Sections 11 and 12 apply notwithstanding any agreement or waiver to the contrary.

Investor's
agreement

11.—(1) Every agreement by which a person becomes an investor in a pyramid scheme,

- (a) shall be in writing;
- (b) shall contain in conspicuous print on its face the text of section 12;
- (c) shall include the sale or lease of a commodity appropriate for resale or subletting;
- (d) shall state the retail price of the commodity upon which the scheme is based;
- (e) shall contain an address in Ontario for service of the person with whom the investor enters into the agreement; and
- (f) shall be in such form and provide for such other matters as are prescribed by the regulations.

Agreement
voidable
where non-
compliance

(2) Any agreement that does not comply with subsection 1 is voidable at any time at the option of the investor.

Copy of
prospectus

(3) No promoter or investor shall enter into an agreement with a person by which such person would become an investor unless the promoter or investor has delivered a copy of the prospectus accepted under section 3 to the prospective investor at least two days before the agreement is entered into.

When
agreement
voidable

(4) An agreement entered into before the time required by subsection 3 is voidable at the option of the prospective investor at any time before the time when the agreement could be entered into in accordance with subsection 3.

Refund

(5) Where an agreement is voided under this section, the promoter shall pay to the investor his total investment.

Rescission
of investor's
agreement

12.—(1) Any person who enters into an agreement to become an investor may rescind the agreement by delivering a notice of rescission in writing to the person with whom he entered into the agreement and, where such person is not the promoter, to the promoter, within six months of the date of the agreement.

Notice of
rescission

(2) A notice of rescission may be delivered personally or sent by registered mail addressed to the person to

whom delivery is to be made at the address shown in the agreement or in the prospectus and, notwithstanding section 22, delivery by registered mail shall be deemed to have been made at the time of mailing.

(3) Where a person who has entered into an agreement to become an investor rescinds the agreement under subsection 1, he may return all or any portion of the commodity received under the scheme and in merchantable condition to the promoter who shall pay the investor 75 per cent of his total investment less the proportion of that amount that any unreturned quantity of the commodity bears to the total quantity received by the investor. ^{Return of commodity and refund}

(4) A promoter shall enter into such escrow agreement as the Registrar considers necessary or advisable to ensure that an amount equal to 75 per cent of the retail value of a commodity delivered to an investor under an agreement referred to in section 11 is available for repayment until the period during which a rescission may be made under subsection 1 expires. ^{Escrow pending rescission}

13.—(1) Every promoter shall maintain at such places in Ontario as have been approved in writing by the Registrar registers setting out the names and addresses of all investors in the pyramid scheme, and describing the territories that have been allotted to each. ^{Public inspection of information}

(2) A register shall be kept available for inspection by any person during reasonable business hours. ^{Idem}

(3) No person shall refuse to permit a person to inspect a register under subsection 2, or to make extracts therefrom. ^{Idem}

14. Every promoter shall file with the Registrar annually on the anniversary date of his certificate of acceptance, ^{Annual return}

(a) an audited financial statement ;

(b) an affidavit stating that no changes exist in the pyramid scheme ; and

(c) a copy of the register of investors.

15. Where the Registrar believes on reasonable and probable grounds that a promoter is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 9 applies *mutatis mutandis* to the order in the same manner as ^{False advertising}

to a proposal by the Registrar to refuse a certificate of acceptance and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

Inspection

16.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the promoter to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a promoter without a prospectus and certificate of acceptance, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on inspection

(3) Upon an inspection under this section, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investigations by order of Minister

17. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person

appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. ^{1971, c. 49}

18.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, ^{Investigation by Director}

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence, under the *Criminal Code* ^{R.S.C. 1970, c. 34} (Canada) or under the law of any jurisdiction, that is relevant to his fitness to receive a certificate of acceptance under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, ^{Powers of investigator}

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation;

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. ^{1971, c. 49}

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissi-
bility of
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment
of experts

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters
confidential

19.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 16, 17 or 18, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. Testimony in civil suit

20. Where, upon the report of an investigation made under subsection 1 of section 18, it appears to the Director that a person may have, Report

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness to receive a certificate of acceptance under this Act, R.S.C. 1970, c. C-34

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

21.—(1) Where,

- (a) an investigation of any person has been ordered under section 18; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which a prospectus is required under this Act,

Order to
refrain from
dealing with
assets

the Director, if he believes it advisable for the protection of investors or customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds or direct the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets

or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of investors, customers or others in his possession or control in trust for any interim receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.C. 1970,
cc. B-4, W-11

R.S.O. 1970,
cc. 228, 89, 53

Bond in
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(a) a personal bond accompanied by collateral security;

R.S.O. 1970,
c. 196

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director may determine.

Application
for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to
registrar of
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.

Cancellation
of direction
or registra-
tion

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or

registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of investors or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

22.—(1) Any notice or order required to be given or ^{Service} served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service set out in the prospectus or supplementary prospectus.

(2) Where service is made by registered mail, the service ^{When service} shall be deemed to be made on the third day after the day ^{deemed to} of mailing unless the person on whom service is being made ^{be made} establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(3) Notwithstanding subsections 1 and 2, the Tribunal ^{Idem} may order any other method of service in respect of any matter before the Tribunal.

23.—(1) Where it appears to the Director that any person ^{Restraining} does not comply with any provision of this Act, the regula- ^{orders} tions or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order ^{Appeal} made under subsection 1.

24.—(1) Every person who,

Offences

- (a) makes a statement in any application, report, prospectus, return, financial statement or other document, required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading;

- (b) fails to comply with any order, direction or other requirement under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such act, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$100,000 and not as provided therein.

Limitation (3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem (4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence **25.**—(1) A statement as to,

- (a) the issuance or non-issuance of a certificate of acceptance;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first come to the knowledge of the Director; or
- (d) any other matter pertaining to such certificate, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of Minister's signature (2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

26. The Lieutenant Governor in Council may make Regulations regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) governing the filing of a prospectus or supplementary prospectus and prescribing terms and conditions in relation thereto;
- (c) requiring the payment of fees and prescribing the amounts thereof;
- (d) prescribing the form and content of agreements by which persons become investors in pyramid schemes or any terms thereof;
- (e) governing the property or funds held in escrow under section 12;
- (f) governing the form and content of prospectuses for pyramid schemes;
- (g) requiring promoters or investors to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;
- (h) requiring and governing the books, accounts and records that shall be kept by promoters;
- (i) requiring promoters or investors to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use;
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

27.—(1) Nothing in this Act shall be construed to make unlawful the sale to consumers of commodities received by the seller under a pyramid scheme the operation of which becomes unlawful under or by virtue of this Act, where the commodities were received by the seller before the pyramid scheme became unlawful, but the Registrar may, upon notice to the seller, prohibit such sale where the commodity is defective in quality or the warranty is defective or incapable of performance. Sale to consumer under unlawful scheme

Extension
of time
for filing
prospectus

(2) Upon application therefor, the Registrar may, in writing, extend the time for the filing of a prospectus and the issuance of a certificate of acceptance for the purpose of section 3 for a period or periods not exceeding a total of ninety days after this Act comes into force where in his opinion there is a reasonable likelihood that the prospectus, when filed, will comply with the requirements of this Act.

Commence-
ment

28. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

29. This Act may be cited as *The Pyramidical Sales Act, 1972*.

CHAPTER 58

An Act to amend The Children's Institutions Act

*Assented to May 26th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Children's Institutions Act*, ^{s. 1 (d), re-enacted} being chapter 66 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (d) "children's institution" means a building or buildings maintained and operated by an approved corporation for children and other persons requiring sheltered, specialized or group care but does not include,
- (i) a charitable institution under *The Charitable Institutions Act*, ^{R.S.O. 1970, c. 62}
 - (ii) a children's boarding home that is registered under *The Children's Boarding Homes Act*, ^{R.S.O. 1970, c. 65}
 - (iii) a hospital under *The Children's Mental Hospitals Act*, ^{R.S.O. 1970, c. 69}
 - (iv) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*, ^{R.S.O. 1970, c. 64}
 - (v) a day nursery established and operated under *The Day Nurseries Act*, ^{R.S.O. 1970, c. 104}
 - (vi) a children's mental health centre under *The Children's Mental Health Centres Act*, ^{R.S.O. 1970, c. 68}
 - (vii) a home for retarded persons under *The Homes for Retarded Persons Act*, ^{R.S.O. 1970, c. 204}
 - (viii) an institution under *The Mental Hospitals Act*, ^{R.S.O. 1970, c. 270}

R.S.O. 1970,
c. 361

(ix) a private hospital under *The Private Hospitals Act*,

R.S.O. 1970,
c. 363

(x) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1970,
c. 378

(xi) a hospital under *The Public Hospitals Act*,

R.S.O. 1970,
c. 422

(xii) a sanatorium under *The Sanatoria for Consumptives Act*.

ss. 5, 6,
re-enacted

2. Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Grants for
construction
of buildings
or additions

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new building or the addition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new building or the addition, at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.

Grants for
acquisition
of buildings

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount equal to the cost to the approved corporation of the acquisition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the building at the rate of \$1,200 per bed or such greater amount per bed as the regulations prescribe.

s. 7,
re-enacted

3. Section 7 of the said Act is repealed and the following substituted therefor:

Subsidy for
operating and
maintenance
costs

7. There shall be paid to an approved corporation maintaining and operating an approved children's institution, out of the moneys appropriated therefor by the Legislature, an amount equal to 80 per cent, or such higher percentage as the regulations prescribe, of the cost, computed in accordance with the

regulations, of services provided by the corporation for children and other persons or classes of persons prescribed by the regulations who are not wards of the Crown or wards of a children's aid society under *The Child Welfare Act*.

R.S.O. 1970,
c. 64

4.—(1) Clause *c* of section 10 of the said Act is amended by ^{s. 10 (c),} inserting after “children” in the second line “and other ^{amended} persons”.

(2) Clause *d* of the said section 10 is repealed and the ^{s. 10 (d),} following substituted therefor: ^{re-enacted}

(d) governing the admission of children and other persons to children's institutions or to any class thereof, prescribing the classes of children and classes of other persons that may be cared for in any class of children's institutions and the care, maintenance, treatment and other services to be provided for them.

(3) Clause *f* of the said section 10 is amended by inserting ^{s. 10 (f),} after “children” in the second line “and other persons”. ^{amended}

(4) Clause *i* of the said section 10 is repealed and the ^{s. 10 (i),} following substituted therefor: ^{re-enacted}

(i) prescribing classes of persons other than children for whom payment shall be made under section 7;

(ia) prescribing the manner of computing the cost of services provided for children and other persons or classes of persons by an approved corporation and prescribing classes of payments for the purpose of determining the amounts of the payments to be made under section 7;

(ib) prescribing a greater amount per bed for the purposes of section 5 or 6 and prescribing a higher percentage for the purposes of section 7.

5.—(1) This Act, except sections 1 and 3 and subsection 4 ^{Commence-} of section 4, comes into force on the day it receives Royal ^{ment} Assent.

(2) Sections 1 and 3 and subsection 4 of section 4 shall be ^{Idem} deemed to have come into force on the 31st day of December, 1971.

6. This Act may be cited as *The Children's Institutions* ^{Short title} *Amendment Act, 1972*.

CHAPTER 59

**An Act to regulate
Riding Horse Establishments**

*Assented to May 26th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Board” means the Riding Horse Establishment Licence Review Board;
- (b) “Director” means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;
- (c) “foal” means a young horse;
- (d) “horse” means any animal of the equine species;
- (e) “inspector” means an inspector appointed under this Act;
- (f) “licence” means a licence under this Act;
- (g) “Minister” means the Minister of Agriculture and Food;
- (h) “regulations” means the regulations made under this Act;
- (i) “riding horse establishment” means premises where horses are kept that are let out on hire for riding or used in providing instruction in riding for payment or both;
- (j) “veterinarian” means a person registered under *The Veterinarians Act*.

R.S.O. 1970,
c. 480

2. —(1) There is hereby established a board to be known as the Riding Horse Establishment Licence Review Board that

Riding Horse
Establish-
ment
Licence
Review Board
established

shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Ministry of Agriculture and Food, and who shall hold office during pleasure.

**Chairman
and vice-
chairman**

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

**Remunera-
tion**

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Licence

3.—(1) No person shall commence or continue to be the operator of a riding horse establishment without a licence therefor from the Director.

**Requirements
for licence**

(2) No person shall be granted a licence as the operator of a riding horse establishment unless he,

- (a) or the staff in his employ, is experienced in the proper care and handling of horses; and
- (b) possesses all vehicles, tools, implements, equipment, buildings and dietary materials necessary to properly care for and handle horses on his premises.

**Suspension or
revocation of
licence**

(3) A licence may be suspended or revoked where,

- (a) the licensee has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 2; or
- (b) the licensee or any person employed by him or associated with him in connection with his operation as licensee has failed to observe or carry out the provisions of,
 - (i) this Act or the regulations, or
 - (ii) any other Act relating to cruelty, maltreatment or neglect of animals.

**Issue of
licence**

4.—(1) Subject to section 10, the Director shall issue a licence as an operator of a riding horse establishment to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 2 of section 3.

(2) Every licence shall have noted thereon the location of any premises used by the licensee for a riding horse establishment. Location of premises to be noted on licence

(3) Where the Director is of the opinion that an applicant for a licence as an operator of a riding horse establishment does not comply with clauses *a* and *b* of subsection 2 of section 3, he may, after a hearing, refuse to issue the licence. Refusal of licence

(4) Subject to subsection 5, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

(5) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to renew or suspension or revocation of licence

(6) Notwithstanding subsection 5, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Idem

(7) Subject to subsection 6, where, within the time prescribed therefor, or if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application. Continuation of licence pending renewal

5.—(1) The notice of a hearing by the Director under section 4 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(2) The applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Variation of
decision by
Director

6. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing, he may, at any time on his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to
Board

7.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board.

Extension of
time for
appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal of
appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of
decision
pending
disposal of
appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

8.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
making
decision
not to have
taken part in
investigation,
etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*, c. 47. Findings of fact

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

9.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(4) An appeal under this section may be made on any question of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board. Powers of court on appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal

10. The Director shall not issue a licence to any person who formerly held a licence as an operator of a riding horse establishment and whose licence was revoked less than one year before the date of the application. When licence not to issue

11.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary, and, notwithstanding any other Act, such inspectors have exclusive Appointment of chief inspector and inspectors

authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of
inspector

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

(a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are horses that are used, or that are intended to be used, in connection with a riding horse establishment or any foals, and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any horse therein; and

(b) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or extracts therefrom relating to horses that he believes on reasonable and probable grounds are used or intended to be used in connection with a riding horse establishment or any foals.

When powers
to be
exercised

(4) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

R.S.O. 1970,
c. 450

Production
and photo-
copying of
records, etc.

(5) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to
be in
writing

(7) Where an inspector makes a demand under clause *b* of subsection 3, the demand shall be in writing and shall

include a statement of the nature of the books, records, documents or extracts required.

(8) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*, does not apply in respect of horses in the possession of a licensed operator of a riding horse establishment. 1955, c. 58, not to apply

12. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. Obstruction of inspector

13.—(1) No person who is the holder of a licence as an operator of a riding horse establishment shall cause or permit any horse to be absent from a location noted on his licence where he knows or ought reasonably to know that such horse while absent will be used for riding for hire or used in providing instruction in riding unless, Absence of horse from location noted on licence

- (a) the horse is transferred to a riding horse establishment in respect of which a licence has been issued to the operator therefor;
- (b) the total length of time that the horse is absent from a location noted on the licence does not exceed three full days in any seven-day period;
- (c) the place to which the horse is transported is a fair or exhibition held under the auspices of an agricultural society;
- (d) there is a sale of the horse to a *bona fide* purchaser for value; or
- (e) he has a permit therefor issued by the Director in the manner prescribed by the regulations.

(2) Where a horse is absent in accordance with subsection 1 and the licensee, subsequent to the commencement of the absence, contravenes any of the provisions of subsection 1, whether as a result of revocation of the permit referred to in clause *e* of subsection 1 or otherwise, the licensee shall forthwith transport such horse, or cause it to be transported, to a location noted on his licence. Return of horse to location noted on licence

(3) Where a horse is required to be transported under subsection 2 and a veterinarian has examined the horse and has advised in writing that it is not in the best interest of the horse to be transported forthwith, the licensee shall transport the horse, or cause it to be transported, to a Idem

location noted on his licence at such later time as the veterinarian may designate.

Transfer of
possession
of foals

14. No person who is the holder of a licence as an operator of a riding horse establishment shall transfer possession to any other person of a foal that is less than ninety days old unless,

- (a) the dam thereof has died;
- (b) possession of the dam is transferred with the foal to the same person; or
- (c) he has a permit for the transfer of possession of foals issued by the Director in the manner prescribed in the regulations.

Prohibition

15. No person shall, with respect to any horse from a riding horse establishment,

- (a) at a time when the horse is in such a condition that its riding would be likely to cause suffering to the horse, let out the horse for hire for riding or use it for providing instruction in riding for payment or for the purpose of demonstrating riding;
- (b) let out for hire for riding or use for providing instruction in riding for payment or for the purpose of demonstrating riding any horse less than three years old or any mare heavy with foal or any mare within ninety days after foaling except where the foal has died but in no case less than twenty-one days after foaling;
- (c) supply for the horse any equipment that is subject to defect in condition or design that is apparent on inspection and is likely to cause suffering to the horse;
- (d) fail to provide such care and attention as may be suitable for a horse that is ill or injured;
- (e) knowingly permit the horse to be ridden by any person who abuses or causes suffering, or is likely to abuse or cause suffering, to the horse;
- (f) in operating the riding horse establishment knowingly permit any person whose licence as an operator of a riding horse establishment is suspended or was revoked less than one year previously, to have control or management of the riding horse establishment; or

- (g) with intent to avoid inspection, conceal or cause to be concealed the horse.

16. Where horses are used for riding or used in providing ^{Application} instruction in riding as a part of an enterprise where other services are rendered for which payment is made and no specific charge is made or payment required in respect of the use of any such horse, such horse shall be deemed to be let out on hire for riding or used in providing instruction in riding for payment, as the case may be.

17.—(1) Every person who contravenes any of the provisions of this Act or the regulations, other than a regulation made under clause *j* or *k* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

(2) Every person who contravenes the provisions of a ^{Idem} regulation made under clause *j* or *k* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

18. Where it is made to appear from the material filed ^{Injunction proceedings} or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a riding horse establishment or who is employed by or associated with any such person, the Supreme Court may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of a riding horse establishment absolutely or for such period as seems just.

19. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) prescribing further procedures for hearings before the Board;
- (c) providing for the issuing by the Director to a licensed operator of a riding horse establishment of a permit for the absence of a horse from a location noted on his licence and prescribing the terms and conditions for the issuing and revocation of such permits;

- (d) providing for the issuing by the Director to a licensed operator of a riding horse establishment of a permit for the transfer of possession of foals and prescribing the terms and conditions for the issuing and revocation of such permits;
- (e) prescribing the buildings, facilities and equipment to be provided by the operator of a riding horse establishment;
- (f) prescribing the degree and nature of supervision to be provided by the operator of a riding horse establishment over persons employed by or associated with him in the operation of the riding horse establishment and prescribing qualifications required of such persons;
- (g) prescribing standards for the health, welfare and care of horses, or any class thereof, in connection with a riding horse establishment;
- (h) prescribing facilities and equipment for the transportation of horses that are used or are intended to be used in connection with a riding horse establishment;
- (i) classifying riding horse establishments, requiring the operators of any class of riding horse establishment to provide for the services of a veterinarian in connection with the care of horses and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (j) prescribing the records to be made and kept by the operator of a riding horse establishment or any class thereof and prescribing the places at which such records shall be kept;
- (k) prescribing methods for the identification of horses;
- (l) prescribing the facilities and equipment to be provided and maintained by the operator of a riding horse establishment for use in preventing or fighting fires;
- (m) prescribing forms and providing for their use.

Commence-
ment

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Riding Horse Establishments Act, 1972*.

CHAPTER 60

An Act to amend The Dead Animal Disposal Act

*Assented to May 26th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *aa* of section 1 of *The Dead Animal Disposal Act*, being chapter 105 of the Revised Statutes of Ontario, 1970, as relettered by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed and the following substituted therefor:

(*aa*) “broker” means a person engaged in the business of buying meat obtained from a dead animal and re-selling such meat in uncooked form;

(*ab*) “collector” means a person engaged in the business of collecting dead animals.

(2) Clause *b* of the said section 1 is repealed and the following substituted therefor:

(*b*) “dead animal” means the carcass, or any part thereof, of a horse, goat, sheep, swine or head of cattle that has died from any cause other than slaughter.

2. Clause *b* of section 2 of the said Act is repealed and the following substituted therefor:

(*b*) dead animals while held for post mortem examination, investigation or loss adjustment.

3. Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor:

(1) The owner of a dead animal shall dispose of it within forty-eight hours of its death,

(*a*) by burying it with a covering of at least two feet of earth; or

(b) by the services of a person licensed as a collector under this Act.

s. 4 (2),
re-enacted

4. Subsection 2 of section 4 of the said Act is repealed and the following substituted therefor:

Collector

(2) No collector shall give, sell or deliver a dead animal to any person other than the holder of a licence as an operator of a receiving plant or a rendering plant under this Act.

s. 5,
re-enacted

5. Section 5 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed and the following substituted therefor:

Licensing

5.—(1) No person shall engage in the business of,

(a) a broker;

(b) a collector;

(c) an operator of a receiving plant; or

(d) an operator of a rendering plant,

without a licence therefor from the Director.

Prohibition

(2) No person shall collect a dead animal unless he is the holder of a licence as a collector.

s. 7 (3),
amended

6.—(1) Subsection 3 of section 7 of the said Act is amended by striking out "at the plant" in the second and third lines and inserting in lieu thereof "and of the disposal thereof".

s. 7,
amended

(2) The said section 7 is amended by adding thereto the following subsection:

Idem

(4) A broker shall make and keep for at least twelve months a record of all meat obtained from dead animals received by him and of the disposal thereof as prescribed in the regulations.

s. 8 (3),
re-enacted

7.—(1) Subsection 3 of section 8 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed and the following substituted therefor:

Powers

(3) Subject to subsection 4, the Director or an inspector may, for the purpose of carrying out his duties under this Act,

- (a) enter and inspect any building, premises or conveyance,
 - (i) that is used in the collecting, transporting or processing of a dead animal or meat obtained therefrom, or
 - (ii) in which he believes on reasonable and probable grounds there is a dead animal or meat obtained therefrom;
- (b) require the production or furnishing by the owner or custodian thereof of any books, records or documents, or of extracts therefrom, of persons licensed under this Act or relating to dead animals or meat obtained therefrom; and
- (c) seize, remove and detain any dead animal, or meat obtained therefrom, where he believes on reasonable and probable grounds that there is a violation of this Act or the regulations in respect thereof.

(2) The said section 8, as amended by the Statutes of ^{s. 8, amended} Ontario, 1971, chapter 50, section 26, is further amended by adding thereto the following subsections:

- (5) Where the Director or an inspector requires the pro-^{Production of records, etc.}duction or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the Director or inspector and the Director or inspector may detain them for the purpose of making copies therefrom and thereafter return them to the person who produced or furnished them.
- (6) Where a copy of a book, record, document or extract ^{Certification of copy} is made under subsection 5 and is certified by a person thereunto authorized, it is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

8.—(1) Clause *i* of section 11 of the said Act is repealed ^{s. 11 (i), re-enacted} and the following substituted therefor:

- (i) respecting advertising by any person respecting dead animals, fallen animals or meat obtained from dead animals.

s. 11 (*k*),
re-enacted

(2) Clause *k* of the said section 11 is repealed and the following substituted therefor:

(*k*) providing for the disposition of dead animals or any parts thereof or meat obtained therefrom.

s. 11 (*l*),
amended

(3) Clause *l* of the said section 11 is amended by adding at the end thereof "and by brokers".

s. 11,
amended

(4) The said section 11 is amended by adding thereto the following clause:

(*ma*) governing the seizure, removal, detention and disposal of dead animals or meat obtained therefrom for the purposes of clause *c* of subsection 3 of section 8.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Dead Animal Disposal Amendment Act, 1972*.

CHAPTER 61

**An Act to amend
The Charitable Institutions Act**

*Assented to May 26th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Charitable Institutions Act*, <sup>s. 1 (d),
re-enacted</sup> being chapter 62 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(d) "Director" means the Director appointed for the purposes of this Act.

2. Subsection 1 of section 3 of the said Act, as enacted <sup>s. 3 (1),
amended</sup> by the Statutes of Ontario, 1971, chapter 50, section 16, is amended by adding at the commencement thereof "Subject to section 3a".

3. The said Act is amended by adding thereto the following <sup>s. 3a,
enacted</sup> section:

3a. Before selecting or acquiring a site or erecting or <sup>Evaluation
and survey</sup> acquiring a building for use as a charitable institution, an approved corporation establishing the charitable institution shall,

(a) evaluate the site in accordance with the regulations to determine whether it will best serve the programs of the institution and the best interests of the prospective residents of the institution; and

(b) conduct a survey of the community and a review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

4.—(1) Clause *c* of subsection 1 of section 4 of the said Act <sup>s. 4 (1) (c),
re-enacted</sup> is repealed and the following substituted therefor:

- (c) erect a new building or an addition to an existing building for use as a charitable institution until,
 - (i) the need for the building or the addition has been established to the satisfaction of the Minister,
 - (ii) in the case of the erection of a new building, the site, selected and evaluated in accordance with the regulations, has been approved by the Minister, and
 - (iii) the plans therefor, developed and prepared in accordance with the regulations, have been approved in writing by the Minister.

s. 4 (1) (e),
amended

(2) Clause *e* of subsection 1 of the said section 4 is amended by striking out “grant under section 5 or 6” in the fourth line and inserting in lieu thereof “grant under section 5, 6 or 7”.

s. 5,
amended

5.—(1) Section 5 of the said Act is amended by striking out “Lieutenant Governor in Council” in the fourth line and inserting in lieu thereof “Minister”.

s. 5 (a),
amended

(2) Clause *a* of the said section 5 is amended by inserting after “bed” in the seventh line “or such greater amount per bed as is prescribed by the regulations”.

s. 5 (b),
amended

(3) Clause *b* of the said section 5 is amended by inserting after “bed” in the seventh line “or such greater amount per bed as is prescribed by the regulations”.

s. 6,
amended

6. Section 6 of the said Act is amended by striking out “Lieutenant Governor in Council” in the fourth line and inserting in lieu thereof “Minister” and by adding at the end thereof “or such greater amount per bed as is prescribed by the regulations”.

s. 7,
amended

7. Section 7 of the said Act is amended by inserting after “per cent” in the third line “or such higher percentage as the regulations prescribe”.

s. 7a,
enacted

8. The said Act is further amended by adding thereto the following section:

Extended
care
services

7a.—(1) Any person,

- (a) who has been admitted to an approved charitable institution; and
- (b) who is eligible for extended care services under *The Health Insurance Act, 1972* on the grounds of medical necessity,

may receive extended care services available in the approved charitable institution where the institution has been authorized by the Director in accordance with the regulations to provide such services.

- (2) The provisions of *The Health Insurance Act, 1972*^{Application of 1972, c. 91} apply *mutatis mutandis* to a determination under subsection 1 of eligibility for extended care services on the grounds of medical necessity and to appeals therefrom.
- (3) Notwithstanding subsections 1 and 2, an applicant^{Entitlement to services} for extended care services who has been found eligible therefor under this or any other Act does not thereby become entitled as of right to such services in an approved charitable institution.

9.—(1) Clause *b* of section 10 of the said Act is repealed^{s. 10 (b), re-enacted} and the following substituted therefor:

- (b) prescribing classes of specified approved charitable institutions, governing the admission of persons to and their discharge from approved charitable institutions, prescribing the conditions of eligibility and procedures for such admission and discharge, and specifying classes of persons that may be cared for in specified approved charitable institutions or any class thereof;
- (ba) providing for the making of investigations of the financial circumstances of residents in or applicants for admission to approved charitable institutions or any class thereof for the purpose of determining eligibility or continuing eligibility for admission to the institutions.

(2) The said section 10, as amended by the Statutes of^{s. 10, amended} Ontario, 1971, chapter 50, section 16, is further amended by adding thereto the following clauses:

- (bb) prescribing procedures for selecting and evaluating the site for a charitable institution to be erected or acquired by an approved corporation and for conducting a survey of the community and a review of population requirements and the contents of the report to be submitted to the Minister under section 3a;
- (bc) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans;

- (*bd*) prescribing the location, site, size, design and construction of buildings used, or to be acquired, erected or altered for use as approved charitable institutions or any class thereof and the facilities and equipment to be provided therein.

s. 10 (*d*),
re-enacted

(3) Clause *d* of the said section 10 is repealed and the following substituted therefor :

- (*d*) prescribing staff requirements and governing the appointment, qualifications and the powers and duties of administrators and members of the staffs of approved charitable institutions or any class thereof and requiring in-service training programs to be provided for members of staffs of any such institutions or class thereof ;
- (*da*) requiring the bonding of administrators and other employees or classes of employees of approved charitable institutions or any class thereof in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of the bonds and the disposition of the proceeds thereof.

s. 10 (*e*),
re-enacted

(4) Clause *e* of the said section 10 is repealed and the following substituted therefor :

- (*e*) prescribing and governing the social services, medical, paramedical and nursing care and other services, and the items, amenities and recreational opportunities that shall be provided for residents in approved charitable institutions or classes of approved charitable institutions, prescribing classes or levels of such care, services, items, amenities and recreational opportunities in accordance with the needs of the residents and providing for the assessment and classification of the residents for the purpose of determining the class or level of care, services and items required by them ;
- (*ea*) prescribing the percentage of bed capacity to be maintained and used in approved charitable institutions for any prescribed class or level of care and services to be provided in the charitable institution or class thereof, as the case may be ;
- (*eb*) prescribing the maximum amounts that may be charged residents in approved charitable institutions for any prescribed class or level of care, services, items and amenities provided in the charitable institutions ;

- (*ec*) providing for the terms and conditions of trust upon which an approved corporation may receive and hold property of a resident in an approved charitable institution maintained and operated by the corporation.

(5) Clause *g* of the said section 10 is amended by inserting <sup>s. 10 (*g*),
amended</sup> after “corporations” in the second line “and prescribing a greater amount per bed”.

(6) Clause *h* of the said section 10 is repealed and the <sup>s. 10 (*h*),
re-enacted</sup> following substituted therefor:

- (*h*) defining “operating and maintenance costs”, prescribing the manner of computing the part of the cost of care and maintenance of a person resident in a charitable institution, prescribing classes of payments and a higher percentage in respect of the cost of any such class or classes of payment and the maximum amounts of the cost to which Ontario may contribute for the purpose of determining the amount of the payment to be made under section 7;
- (*ha*) defining “extended care services” and “nursing care”, and prescribing facilities, items and services to be included in either of such definitions and prescribing standards of eligibility in addition to those mentioned in this Act for extended care services of residents in approved charitable institutions or any class thereof and the manner of determining such eligibility;
- (*hb*) prescribing the manner of applying for extended care services and providing for the termination, reinstatement or extension of such services for residents in approved charitable institutions or any class thereof;
- (*hc*) providing for the authorization by the Director of approved charitable institutions or any class thereof to provide extended care services and prescribing the circumstances and conditions under which such authorizations may be given, including the facilities, equipment, services and programs to be provided in such charitable institutions;
- (*hd*) prescribing rules for determining the amounts to be contributed by any resident or any class of resident in an approved charitable institution towards the cost of his care and maintenance therein.

(7) Clause *i* of the said section 10 is amended by inserting <sup>s. 10 (*i*),
amended</sup> after “records” in the first line “and accounts”.

Commence-
ment

10.—(1) This Act, except sections 1, 2 and 3, subsection 1 of section 4, sections 7 and 8 and subsection 6 of section 9, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 7 and 8 and subsection 6 of section 9 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Sections 2 and 3 and subsection 1 of section 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Charitable Institutions Amendment Act, 1972*.

CHAPTER 62

**An Act to amend
The Homes for the Aged and Rest Homes Act**

*Assented to May 26th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 9 (1),
re-enacted

- (1) The Lieutenant Governor in Council may appoint a board of management, which shall be a corporation, for any home established and maintained by a band under section 5 or in a territorial district under section 6.

Board of
management,
appointment

2.—(1) Subsection 3 of section 11 of the said Act is repealed and the following substituted therefor:

s. 11 (3),
re-enacted

- (3) The council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall appoint such staff as the regulations prescribe for the proper care and well-being of the residents.

Staff
appointment

(2) Subsection 4 of the said section 11 is amended by inserting after "medical" in the sixth line "paramedical and nursing".

s. 11 (4),
amended

3. Section 15 of the said Act is repealed and the following substituted therefor:

s. 15,
re-enacted

15. The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home shall provide in accordance with the regulations such space, equipment and materials as will contribute to the well-

Facilities for
recreational,
etc.,
activities

being of the residents of the home or joint home and as will enable the residents to participate in recreation, handicrafts, continuous learning and similar activities, both within and outside the home or joint home.

s. 16,
re-enacted

4. Section 16 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 13, is repealed and the following substituted therefor:

Admission to
home for
aged

16.—(1) Any person,

- (a) who is over the age of sixty years; or
- (b) who is under the age of sixty years and who because of such special circumstances as are prescribed by the regulations, cannot be cared for adequately elsewhere,

and who is eligible for admission in accordance with the regulations, may be admitted to and maintained in a home for the aged or joint home for the aged by the committee of management or board of management, as the case may be, in accordance with the procedures prescribed by the regulations.

Idem, rest
homes

(2) Any person,

- (a) who is eighteen or more years of age and who, in the opinion of two legally qualified medical practitioners, one of whom is the physician of the rest home, is in need of long-term maintenance and supervision as prescribed by the regulations; or
- (b) who is under eighteen years of age and who, because of special circumstances, cannot be cared for adequately elsewhere,

and who is eligible for admission in accordance with the regulations, may be admitted to and maintained in a rest home or joint rest home by the committee of management or the board of management, as the case may be, in accordance with the procedures prescribed by the regulations.

s. 17,
re-enacted

5. Section 17 of the said Act is repealed and the following substituted therefor:

Discharge of
residents
from homes

17. Where, in the opinions of the administrator and physician of a home or joint home, a resident of the

home ceases to be eligible to be maintained and cared for therein or where it is in the best interests of such resident, the resident may be discharged from the home in accordance with the regulations.

6. Subsection 2 of section 19 of the said Act is amended by <sup>s. 19 (2),
amended</sup> striking out “the municipality or to the treasurer of the home or joint home” in the third and fourth lines and inserting in lieu thereof “the municipality operating the home or to the municipalities operating the joint home or to the board of management”.

7. Section 20 of the said Act is amended by inserting after <sup>s. 20,
amended</sup> “by” in the second line “the Director or by”.

8. Section 22 of the said Act is repealed and the following <sup>s. 22,
re-enacted</sup> substituted therefor:

22. A resident of a home or joint home is responsible for <sup>Responsibil-
ity for</sup> the payment of all or such part of the cost of his ^{payment} maintenance therein as the regulations prescribe.

9.—(1) Subsection 1 of section 24 of the said Act is amended <sup>s. 24 (1),
amended</sup> by striking out “addition to or extension of a home” in the second line and inserting in lieu thereof “alteration, renovation or addition to or extension of an existing home”.

(2) Subsection 2 of the said section 24 is amended by striking <sup>s. 24 (2),
amended</sup> out “addition to or extension of such existing home, the Lieutenant Governor in Council” in the second and third lines and inserting in lieu thereof “alteration, renovation or addition to or extension of such existing home, the Minister”.

(3) Subsection 3 of the said section 24 is amended by <sup>s. 24 (3),
amended</sup> inserting after “the” where it appears the second time in the second line “alteration, renovation or”.

10.—(1) Subsection 1 of section 26 of the said Act is <sup>s. 26 (1),
amended</sup> amended by striking out “an addition” in the second line and inserting in lieu thereof “an alteration, renovation or addition” and by striking out “the addition” in the eighth line and inserting in lieu thereof “the alteration, renovation, addition”.

(2) Clause *a* of subsection 2 of the said section 26 is amended <sup>s. 26 (2) (a),
amended</sup> by striking out “the addition” in the seventh line and inserting in lieu thereof “the alteration, renovation or addition”.

(3) Subsection 3 of the said section 26 is amended by <sup>s. 26 (3),
amended</sup> striking out “the addition” in the third line and inserting in lieu thereof “the alteration, renovation or addition”.

s. 27 (1),
re-enacted

11.—(1) Subsection 1 of section 27 of the said Act is repealed and the following substituted therefor:

Provincial
subsidy on
capital
expenditures

- (1) When the site and plans of a building to be acquired, erected or altered for use as a home or joint home have been approved by the Minister under subsection 1 of section 12, or when such other capital expenditures as are prescribed by the regulations are incurred in connection with the home or joint home, the Minister may direct payment to the municipality or municipalities or to the band or bands or to the board of management, as the case may be, acquiring, erecting or altering the building or incurring the capital expenditures, of an amount computed in accordance with the regulations not exceeding 50 per cent of the cost thereof or such higher percentage as the regulations prescribe.

s. 27 (2),
amended

- (2) Subsection 2 of the said section 27 is amended by striking out "Lieutenant Governor in Council may direct payment" in the third line and inserting in lieu thereof "Minister may direct payment to the board of management".

s. 27 (3),
re-enacted

- (3) Subsection 3 of the said section 27 is repealed and the following substituted therefor:

When payable

- (3) Payments under subsection 1 in respect of the erection of a new building or the alteration, renovation or addition to or extension of an existing building may be made either when the new building or the alteration, renovation, addition or extension, as the case may be, is completed and the building is ready for occupancy, or from time to time before completion thereof in the manner prescribed by the regulations.

s. 27 (4),
amended

- (4) Subsection 4 of the said section 27 is amended by striking out "of a building by an addition or extension" in the second line and inserting in lieu thereof "renovation or addition to or extension of an existing building".

ss. 28, 29,
re-enacted

12.—(1) Sections 28 and 29 of the said Act are repealed and the following substituted therefor:

Provincial
subsidy on
operating
costs

28. There shall be paid monthly to the municipality maintaining and operating a home, or to the municipalities maintaining and operating a joint home or to a board of management, out of the moneys appropriated therefor by the Legislature, an amount equal to that part of the operating and maintenance cost of the home or joint home that is computed in accordance with the regulations.

29. There shall be paid monthly to the municipality maintaining and operating a home, or to the municipalities maintaining and operating a joint home or to a board of management out of the moneys appropriated therefor by the Legislature, an amount computed in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization. Provincial subsidy for maintenance of residents of unorganized territory

(2) The said Act is amended by adding thereto the following section: s. 29a, enacted

29a.—(1) Any person,

Extended care services

(a) who has been admitted to a home or joint home; and

(b) who is eligible for extended care services under *The Health Insurance Act, 1972* on the grounds of medical necessity, 1972, c. 91

may receive extended care services available in the home or joint home where the home or joint home has been approved by the Director in accordance with the regulations to provide such services.

- (2) The provisions of *The Health Insurance Act, 1972* apply *mutatis mutandis* to a determination under subsection 1 of eligibility for extended care services on the grounds of medical necessity and to appeals therefrom. Application of 1972, c. 91

- (3) Notwithstanding subsections 1 and 2, an applicant for extended care services who has been found eligible therefor under this or any other Act does not thereby become as of right entitled to such services in a home or joint home. Entitlement to services

13.—(1) Clause *a* of subsection 1 of section 30 of the said Act is repealed and the following substituted therefor: s. 30 (1) (a), re-enacted

(a) prescribing the location, site, size, design and construction of buildings used or to be acquired, erected or altered for use as homes or joint homes or any class thereof and the facilities and equipment to be provided therein;

(aa) governing the admission of persons to and their discharge from homes and joint homes and prescribing

the conditions of eligibility therefor and the procedures for such admissions and discharges ;

(ab) providing for the making of investigations of the financial circumstances of residents in or applicants for admission to homes and joint homes for the purpose of determining eligibility or continuing eligibility for admission to the home or joint home ;

(ac) prescribing the staff requirements of homes and joint homes and governing the appointment of members of the staffs of homes and joint homes.

s. 30 (1),
amended

(2) Subsection 1 of the said section 30, as amended by the Statutes of Ontario, 1971, chapter 99, section 4, is further amended by adding thereto the following clause :

(ba) requiring the bonding of administrators and other employees or classes of employees of homes and joint homes in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of the bonds and the disposition of the proceeds thereof.

s. 30 (1) (f),
amended

(3) Clause *f* of subsection 1 of the said section 30 is amended by inserting after "records" in the first line "and accounts".

s. 30 (1) (g),
re-enacted

(4) Clause *g* of subsection 1 of the said section 30 is repealed and the following substituted therefor :

(g) prescribing and governing the social services, the medical, paramedical and nursing care and other services, and the items, amenities and recreational opportunities that shall be provided for residents in homes and joint homes or classes of homes and joint homes, prescribing classes or levels of such care, services, items, amenities and recreational opportunities in accordance with the needs of the residents, and providing for the assessment and classification of the residents for the purpose of determining the class or level of care, services and items required by them ;

(ga) prescribing the percentage of bed capacity to be maintained and used in homes or joint homes or any class of home or joint home for any prescribed class or level of care and services to be provided in the home or joint home or class thereof, as the case may be ;

(gb) prescribing the maximum amounts that may be charged residents in homes or joint homes for any prescribed class or level of care, services, items and amenities provided in the homes or joint homes ;

(gc) providing for the terms and conditions of trust in addition to any terms and conditions of any agreement entered into under section 10, upon which a municipality or board of management operating a home or joint home may receive and hold property of a resident in the home or joint home;

(gd) requiring in-service training programs to be provided for members of staffs of homes and joint homes.

(5) Clauses *h* and *i* of subsection 1 of the said section 30 are <sup>s. 30 (1) (*h*, *i*),
re-enacted</sup> repealed and the following substituted therefor:

(*h*) defining “extended care services” and “nursing care” and prescribing facilities, items and services to be included in either of such definitions and prescribing standards of eligibility in addition to those mentioned in this Act for extended care services of residents in homes and joint homes or any class thereof and the manner of determining such eligibility;

(*i*) prescribing the manner of applying for extended care services and providing for the termination, reinstatement or extension of such services for residents in homes or joint homes or any class thereof;

(*ia*) providing for the approval of homes and joint homes and classes thereof by the Director to provide extended care services and prescribing the circumstances and conditions under which such approval may be given, including the facilities, equipment, services and programs to be provided therein;

(*ib*) determining the amounts to be paid by any resident or class of resident in homes or joint homes towards the cost of his maintenance therein;

(*ic*) defining “operating and maintenance cost”, prescribing the manner of computing the part of such costs of homes and joint homes and classes of payments for the purpose of determining the amounts of the payments to be made under section 28;

(6) Clause *j* of subsection 1 of the said section 30 is repealed. <sup>s. 30 (1) (*j*),
repealed</sup>

(7) Clause *m* of subsection 1 of the said section 30 is <sup>s. 30 (1) (*m*),
re-enacted</sup> repealed and the following substituted therefor:

(*m*) prescribing the manner of computing the cost of maintenance of persons in homes or joint homes

whose residence immediately before admission to the home or joint home was, in territory without municipal organization, for the purposes of section 29.

Commence-
ment

14.—(1) This Act, except subsection 1 of section 2, sections 4, 5, 8 and 12 and subsections 5, 6 and 7 of section 13, comes into force on the day it receives Royal Assent.

Idem

(2) Section 12 and subsections 5, 6 and 7 of section 13 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Subsection 1 of section 2 and sections 4, 5 and 8 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1972*.

CHAPTER 63

**An Act to amend
The Municipal Unconditional Grants Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Municipal Unconditional Grants Act*, being chapter 293 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 1 (c),
re-enacted</sup>

(c) “municipality” means a city, town, village or township, but does not include a city, town, village or township situated within a regional or metropolitan municipality.

2. Section 7 of the said Act is repealed and the following <sup>s. 7,
re-enacted</sup> substituted therefor:

7. In each year there shall be paid out of the moneys <sup>Per capita
payments</sup> appropriated therefor by the Legislature per capita payments in accordance with the population of each municipality as last determined under this Act in the amounts and to the municipalities set out in the Schedule to this Act.

3. The Schedule to the said Act is repealed and the <sup>Schedule,
re-enacted</sup> following substituted therefor:

SCHEDULE

(Section 7)

In recognition of the expenditures that municipalities are required to make to provide municipal services and in recognition of the larger per capita expenditures that municipalities with larger populations are required to make on certain municipal services, the following unconditional per capita grants, to be used to reduce the amount of taxes to be levied on residential and farm assessment:

1. To municipalities,

- (a) having a population of more than 200,000, \$1,342,425 plus \$7.10 per capita for the population exceeding 200,000;
- (b) having a population of more than 100,000 but not more than 200,000, \$647,425 plus \$6.95 per capita for the population exceeding 100,000;
- (c) having a population of more than 75,000 but not more than 100,000, \$477,425 plus \$6.80 per capita for the population exceeding 75,000;
- (d) having a population of more than 50,000 but not more than 75,000, \$311,175 plus \$6.65 per capita for the population exceeding 50,000;
- (e) having a population of more than 25,000 but not more than 50,000, \$148,675 plus \$6.50 per capita for the population exceeding 25,000;
- (f) having a population of more than 20,000 but not more than 25,000, \$116,925 plus \$6.35 per capita for the population exceeding 20,000;
- (g) having a population of more than 15,000 but not more than 20,000, \$85,925 plus \$6.20 per capita for the population exceeding 15,000;
- (h) having a population of more than 10,000 but not more than 15,000, \$55,675 plus \$6.05 per capita for the population exceeding 10,000;
- (i) having a population of more than 7,500 but not more than 10,000, \$40,925 plus \$5.90 per capita for the population exceeding 7,500;
- (j) having a population of more than 5,000 but not more than 7,500, \$26,550 plus \$5.75 per capita for the population exceeding 5,000;
- (k) having a population of more than 4,000 but not more than 5,000, \$20,950 plus \$5.60 per capita for the population exceeding 4,000;
- (l) having a population of more than 3,000 but not more than 4,000, \$15,500 plus \$5.45 per capita for the population exceeding 3,000;

- (m) having a population of more than 2,000 but not more than 3,000, \$10,200 plus \$5.30 per capita for the population exceeding 2,000;
- (n) having a population of more than 1,000 but not more than 2,000, \$5,050 plus \$5.15 per capita for the population exceeding 1,000;
- (o) having a population of not more than 1,000, \$5.05 per capita.

In recognition of the expenditures that some municipalities are required to make to provide police services, the following unconditional per capita grant to be used to reduce the amount of taxes levied on residential and farm assessment:

2. To each municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*,

\$1.75 per capita.

3. When in any year the aggregate amount determined for a municipality under paragraphs 1 and 2 divided by the population of the municipality as used for such determination is less than the per capita rate of unconditional grant applicable to the municipality in respect of unconditional grant payments in the year 1971, the payment to such municipality shall be determined by multiplying such rate by such population.

4. This Act shall be deemed to have come into force on the 1st day of January, 1972. Commence-
ment

5. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1972*. Short title

CHAPTER 64

**An Act to amend
The Regional Municipal Grants Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Regional Municipal Grants Act*, being ^{s. 2,} chapter 405 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

2. In each year there shall be paid out of the moneys ^{Per capita grants} appropriated therefor by the Legislature to each regional municipality a per capita payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows:

- 1.** \$8.00 per capita.
- 2.** An amount per capita in accordance with the Schedule based on the density of each area municipality.
- 3.** \$3.25 per capita where a regional municipality is deemed to be a city for the purposes of *The* <sup>R.S.O. 1970,
c. 351</sup> *Police Act*.
- 4.** \$1.75 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

2.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 3 of the <sup>s. 3 (1) (a-c),
re-enacted</sup> said Act are repealed and the following substituted therefor:

(a) \$8.00;

(b) the per capita amount in relation to the area municipality in accordance with the Schedule based on the density of the area municipality;

R.S.O. 1970,
c. 351

(c) \$3.25 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; and

(d) \$1.75 in relation to each area municipality to which paragraph 4 of section 2 applies.

s. 3 (2),
amended

(2) Subsection 2 of the said section 3 is amended by striking out "amount determined under paragraph 3" in the seventh and eighth lines and inserting in lieu thereof "amounts determined under paragraphs 2 and 4" and by striking out "1, 2 and 4" in the tenth line and inserting in lieu thereof "1 and 3".

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1972.

Short title

4. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1972*.

CHAPTER 65

**The Residential Property
Tax Reduction Act, 1972**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “municipal taxes” means all taxes for municipal and school purposes imposed by a mill rate on rateable property;
- (b) “residential property” means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act* upon which there is a building ^{R.S.O. 1970, c. 32} used or intended to be used as a residence;
- (c) “Treasurer” means the Treasurer of Ontario and Minister of Economics. R.S.O. 1970, c. 414, s. 1 (1), *part, amended.*

(2) Where any person who has an interest as owner or tenant in any land believes that any part or parts of such land should have been separately assessed in the year preceding the year for which a payment under subsection 2 of section 2 is sought, he may apply not later than the 31st day of January in the year next following the year for which the payment is sought to the Treasurer and, if the Treasurer is satisfied that this is the case, he shall so advise the applicant, and thereupon such part or parts of such land shall be deemed to have been separately assessed for the purposes of this Act. R.S.O. 1970, c. 414, s. 1 (2), *amended.*

Where part
of land
should have
been
separately
assessed

2.—(1) In each year, including the year 1972, the Treasurer shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Treasurer to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). R.S.O. 1970, ^{R.S.C. 1970, c. O-6} c. 414, s. 9 (1), *amended.*

Supplemen-
tary tax
assistance
to certain
pensioners

Additional
payment

(2) Where a person is eligible for a payment under subsection 1 and resides in a residential property, and where such property is occupied by no other person except a spouse who is not eligible for a payment under subsection 1, such person, subject to subsection 3, is entitled to be paid by the Treasurer for each year, upon submission of an application, in a form prescribed by the Treasurer, not later than the end of the year following the year in respect of which the application was made, an additional sum equal to,

- (a) where the person or his spouse is assessed for such property, the amount of municipal taxes payable by such person or spouse in that year for such property, reduced by the sum of \$50; or
- (b) where the person or his spouse rents such property, one-fifth of the amount of the yearly rent payable for such property by such person or spouse on any date prescribed by the Treasurer, reduced by the sum of \$50. R.S.O. 1970, c. 414, s. 9 (2), *amended*.

Maximum
additional
payment \$50

(3) No payment under subsection 2 shall exceed \$50. R.S.O. 1970, c. 414, s. 9 (3).

Repayment
to landlord

3. Where a landlord or his agent has made a payment to a tenant pursuant to Regulation 782 of the Revised Regulations of Ontario, 1970, in respect of a tenancy terminated on or before the 1st day of March, 1972 and after the 31st day of December, 1971, the Treasurer, on application made before the 1st day of January, 1973 by the landlord or his agent, may pay to the landlord or his agent the amount of the payment made to the tenant upon such terms and conditions as the Treasurer considers appropriate. *New*.

Regulations

4. The Lieutenant Governor in Council may, upon the recommendation of the Treasurer, make regulations extending the eligibility for payments under section 2 to any other person entitled to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). R.S.O. 1970, c. 414, s. 10, *amended*.

R.S.C. 1970,
c. O-6

Idem

5. The Treasurer may make regulations,

- (a) prescribing a date or dates for the purposes of subsections 1 and 2 of section 2;
- (b) prescribing forms of application for the purposes of this Act;
- (c) generally for the administration of this Act. R.S.O. 1970, c. 414, s. 11, *amended*.

6. The moneys required for the purposes of this Act shall ^{Moneys} be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 414, s. 12.

7. *The Residential Property Tax Reduction Act*, being ^{R.S.O. 1970,} chapter 414 of the Revised Statutes of Ontario, 1970, is repealed. ^{c. 414,} ^{repealed}

8. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of January, 1972. ^{ment}

9. This Act may be cited as *The Residential Property Tax* ^{Short title} *Reduction Act, 1972.*

CHAPTER 66

An Act to amend The Insurance Act

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 26 of section 1 of *The Insurance Act*, ^{s. 1, par. 26, re-enacted} being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

26. “hail insurance” means insurance against loss of or damage to crops in the field, whether growing or cut, caused by hail.

(2) Paragraph 38 of the said section 1 is repealed and ^{s. 1, par. 38, re-enacted} the following substituted therefor:

38. “marine insurance” means insurance against,

(a) liability arising out of,

(i) bodily injury to or death of a person,
or

(ii) the loss of or damage to properties; or

(b) the loss of or damage to property,

occurring during a voyage or marine adventure at sea or on an inland waterway or during delay incidental thereto, or during transit otherwise than by water incidental to such a voyage or marine adventure.

(3) Paragraph 52 of the said section 1 is repealed and ^{s. 1, par. 52, re-enacted} the following substituted therefor:

52. “premium” means the single or periodical payment under a contract for insurance, and includes dues, assessments, administration fees paid for the administration or servicing of such contract, and other considerations.

s. 16 (1),
amended

2. Subsection 1 of section 16 of the said Act is amended by inserting after "upon" in the third line "the chief agent of the insurer in Ontario or where no appointment of a chief agent is then in effect, upon", so that the subsection shall read as follows:

Service of
notice or
process on
chief agent

- (1) Where the head office of a licensed insurer is situate out of Ontario, notice or process in any action or proceeding in Ontario may be served upon the chief agent of the insurer in Ontario or where no appointment of a chief agent is then in effect, upon the Superintendent and such service shall be deemed service upon the insurer in the case of a corporation and upon members of the insurer in the case of an unincorporated body or association.

s. 30 (1),
amended

3. Subsection 1 of section 30 of the said Act is amended by adding thereto the following paragraph:

- 3a. If the head office of the insurer is out of Ontario, a power of attorney from the insurer to an agent resident in Ontario.

s. 32a,
enacted

4. The said Act is amended by adding thereto the following section:

Appointment
of chief
agent

- 32a.—(1) Where an insurer makes application for a licence, or a renewal of its licence, and has its head office outside Ontario, the application shall be accompanied by an executed copy of a power of attorney from the insurer to a chief agent resident in Ontario.

Execution
of power of
attorney

- (2) The power of attorney shall be under the seal of the insurer, and shall be signed by the president and secretary or other proper officers of the insurer in the presence of a witness who shall make oath as to its due execution.

Authentica-
tion

- (3) The official positions held by the officers signing the power of attorney shall be verified by an oath of a person cognizant of the fact.

Contents of
power of
attorney

- (4) The power of attorney shall declare at what place in Ontario the chief agency of the corporation is and shall expressly authorize the chief agent to receive service of process in all actions and proceedings against the insurer in Ontario for any liability incurred by the insurer therein, and also to receive from the Superintendent all notices that the law requires to be given, or that it is thought advisable

to give, and shall declare that service of process for or in respect of such liability on the chief agent is legal and binding on the insurer.

- (5) The power of attorney may confer upon the chief agent any further or other powers that the insurer considers advisable. Authority conferred
- (6) The production of a copy of the power of attorney certified by the Superintendent is sufficient evidence for all purposes of the power and authority of the person therein named to act on behalf of the insurer in the manner and for the purposes set forth in the certified copy. Effect of copy as evidence
- (7) Where the insurer changes its chief agent in Ontario, it shall, within seven days of the appointment, file with the Superintendent a similar power of attorney, stating the change and containing a similar declaration as to service of process and notices. Changes in chief agent
- (8) After the power of attorney is filed, any process in any action or proceeding against the insurer for liability incurred in Ontario may be validly served on the insurer upon its chief agent, but nothing in this section renders invalid service in any other modes in which the corporation may be lawfully served. Service of process thereafter

5. Clause *b* of section 171 of the said Act is amended by striking out "twenty-one" in the second line and inserting in lieu thereof "eighteen". s. 171 (b), amended

6. Section 176 of the said Act is amended by striking out "twenty-one" in the third line and inserting in lieu thereof "eighteen". s. 176, amended

7. Section 177 of the said Act is repealed. s. 177, repealed

8. Statutory condition 2 in section 205 of the said Act is repealed and the following substituted therefor: s. 205 Stat. cond. 2, re-enacted

**Prohibited
use by
insured**

2.—(1) The insured shall not drive or operate the automobile,

- (a) unless he is for the time being either authorized by law or qualified to drive or operate the automobile; or
- (b) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

- (c) while he is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (d) for any illicit or prohibited trade or transportation; or
- (e) in any race or speed test.

**Prohibited
use by
others**

(2) The insured shall not permit, suffer, allow or connive at the use of the automobile,

- (a) by any person,
 - (i) unless that person is for the time being either authorized by law or qualified to drive or operate the automobile, or
 - (ii) while that person is under the age of sixteen years or under such other age as is prescribed by the law of the province in which he resides at the time this contract is made as being the minimum age at which a licence or permit to drive an automobile may be issued to him; or
- (b) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

s. 225 (9),
re-enacted

9. Subsection 9 of section 225 of the said Act is repealed and the following substituted therefor:

Defence to
excess limits
claim
relating to
section 217
coverage

- (9) Notwithstanding anything contained therein to the contrary, every contract evidenced by a motor vehicle liability policy shall, for the purposes of this section, be deemed to provide all the types of coverage mentioned in section 217, but the insurer is not liable to a claimant with respect to such coverage in excess of the limits mentioned in section 218.

10.—(1) Subsection 1 of section 256 of the said Act is ^{s. 256 (1),} amended by striking out “twenty-one” in the third line and inserting in lieu thereof “eighteen”.

(2) Subsection 2 of the said section 256 is repealed. ^{s. 256 (2),} repealed

11. Subsection 1 of section 331 of the said Act is amended ^{s. 331 (1),} by striking out “in accordance with the form in Schedule C hereto” in the second and third lines.

12. Subsection 15 of section 342 of the said Act is repealed ^{s. 342 (15),} and the following substituted therefor:

(15) A member of a duly licensed pension fund association ^{Members of} other than a salaried employee who receives com- ^{insurance} mission, may, without a licence, solicit persons to ^{corporations} become members of said association.

13. Subsection 3 of section 343 of the said Act is amended ^{s. 343 (3),} by striking out “a fee of \$10” in the fourth line and inserting in lieu thereof “the prescribed fee”.

14. Section 353 of the said Act, as amended by the ^{s. 353,} Statutes of Ontario, 1971, chapter 84, section 19, is further ^{amended} amended by adding thereto the following subsections:

(2a) No licence shall be issued to a corporation that carries ^{Prohibition} on business as an insurance agent, broker or adjuster ^{on licensing} if the majority of its issued and outstanding shares ^{non-} that entitle the holder to any voting rights are ^{residents} owned beneficially or otherwise by a non-resident of Canada unless such corporation was so licensed on the 27th day of April, 1972.

(2b) For the purpose of this section, non-resident means, ^{Definition} of non-
resident

(a) an individual who is not ordinarily resident in Canada;

(b) a company incorporated, formed or otherwise organized, elsewhere than in Canada;

(c) a company that is controlled directly or indirectly by non-residents as determined in clause *a* or *b*;

(d) a trust established by a non-resident as defined in clause *a*, *b* or *c*, or a trust in which non-residents, as so defined, have more than 50 per cent of the beneficial interest; or

(e) a company that is controlled directly or indirectly by a trust mentioned in clause *d*.

Prohibition
of a non-
resident to
amalgamate

(2c) A corporation that was licensed as an agent, broker or adjuster, on or before the 27th day of April, 1972, and whose issued shares entitling the holders thereof to voting rights were more than 50 per cent owned, as of that date, beneficially or otherwise, by one or more non-residents of Canada is not entitled to continue to hold a licence if it amalgamates, unites, merges, acquires the assets or business of, or acquires the shares of any other licensed agent, broker or adjuster.

s. 356 (3),
re-enacted

15. Subsection 3 of section 356 of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Nothing in this section affects any payment by way of dividend, bonus, profit or savings that is provided for by the policy, or shall be construed so as to prevent an insurer compensating a *bona fide* salaried employee of its head office or a branch office in respect of insurance issued by the employing insurer upon the life of such employee or upon the employee's property or interests in Ontario or so as to require that such employee shall be licensed as an agent under this Act to affect such insurance.

Sched. A,
amended

16. Schedule A to the said Act is amended by adding thereto the following item:

17a. Licences for salesmen 10

Sched. C,
repealed

17. Schedule C to the said Act is repealed.

Sched. E,
amended

18.—(1) Schedule E to the said Act, as enacted by the Statutes of Ontario, 1971, chapter 84, section 26 and amended by O. Reg. 540/71, is further amended by striking out the first paragraph under the heading "Accident Benefits Section" and substituting therefor the following:

The Insurer agrees to pay to or with respect to each insured person as defined in this section who sustains bodily injury or death by an accident arising out of the use or operation of an automobile.

Sched. E,
subs. (2),
amended

(2) Subparagraph 2 of paragraph B of Part 1 of subsection 2 of the said Schedule E, as remade by section 2 of O. Reg. 540/71, is repealed and the following substituted therefor:

- (2) a deceased person whose only surviving dependants are his parents or the parents of his spouse shall be deemed a head of household if such parents, at the date of the accident, were residing in the same dwelling premises as the deceased person and were principally dependent upon him for financial support.

(3) Clause *a* of subparagraph 3 of paragraph B of Part 1 of subsection 2 of the said Schedule E, as remade by section 3 of O. Reg. 540/71, is repealed and the following substituted therefor:

- (a) under the age of 21 years and who resides with and is wholly dependent upon the head of the household for financial support; or

(4) Clauses *a* and *b* of subparagraph 3 of subsection 3 of the said Schedule E, as remade by section 4 of O. Reg. 540/71, are repealed and the following substituted therefor:

- (a) give written notice of claim to the Insurer by delivery thereof or by sending it by registered mail to the chief agency or head office of the Insurer in the Province, within 30 days from the date of the accident or as soon as practicable thereafter;
- (b) within 90 days from the date of the accident for which the claim is made, or as soon as practicable thereafter, furnish to the Insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident and the loss occasioned thereby.

(5) Subparagraph 8 of subsection 3 of the said Schedule E, as made by section 5 of O. Reg. 540/71, is repealed and the following substituted therefor:

- (8) *Limitation on benefit payable*

Where a person is entitled to benefits under more than one contract providing insurance of the type set forth in subsection 2, he or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act*, may recover only an amount equal to one benefit.

R.S.O. 1970,
c. 164

19. Section 27 of *The Insurance Amendment Act, 1971*, being chapter 84, is repealed and the following substituted therefor:

1971 Act,
amended

Application
of s. 231

27.—(1) Sections 14 and 15 apply to all contracts evidenced by motor vehicle liability policies made or renewed after the 1st day of January, 1972, and all contracts evidenced by motor vehicle liability policies that were subsisting on the 1st day of January, 1972, shall be deemed to contain the benefits, limits, terms and conditions set forth in Schedule E as of that date in respect of an accident arising out of the use or operation of an automobile occurring on or after that date.

Application

(2) Nothing in this section shall be applied to affect any settlement or payment of a claim that has been made in connection with an accident occurring before the 1st day of January, 1972.

Commence-
ment

20.—(1) This Act, except sections 8, 9, 12 and 19, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 8, 9 and 12 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(3) Section 19 shall be deemed to have come into force on the 28th day of July, 1971.

Short title

21. This Act may be cited as *The Insurance Amendment Act, 1972*.

CHAPTER 67

**An Act to provide for
Collective Bargaining for Crown Employees**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “adjudicator” means a member of the Ontario Public Service Labour Relations Tribunal;
- (b) “bargaining agent” means an employee organization that has representation rights under this Act;
- (c) “bargaining unit” means a unit of employees established for collective bargaining in accordance with this Act;
- (d) “board” means a board of arbitration established under this Act;
- (e) “collective agreement” means an agreement in writing between the employer and an employee organization covering terms and conditions of employment;
- (f) “Crown” means Her Majesty in right of Ontario;
- (g) “employee” means a Crown employee as defined in *The Public Service Act* but does not include,
 - (i) a member of the Ontario Provincial Police Force,
 - (ii) an employee of a college of applied arts and technology,
 - (iii) a person employed in a managerial or confidential capacity,

R.S.O. 1970,
c. 386

- (iv) a person who is a member of the architectural, dental, engineering, legal or medical profession entitled to practise in Ontario and employed in a professional capacity,
 - (v) a person who is employed on a casual or temporary basis unless he has been so employed continuously for a period of six months, or more,
 - (vi) a person engaged under contract in a professional or other special capacity, or for a project of a non-recurring kind, or on a temporary work assignment arranged by the Civil Service Commission in accordance with its program for providing temporary help,
 - (vii) a person engaged and employed outside Ontario, or
 - (viii) a person employed in the office of the Provincial Auditor or of the Speaker, Deputy Speaker or Clerk of the Assembly;
- (h) "employee organization" means an organization of employees formed for the purpose of regulating relations between the employer and employees under this Act, but does not include such an organization of employees that,
- (i) receives from any of its members who are employees any money for activities carried on by or on behalf of any political party,
 - (ii) handles or pays in its own name on behalf of members who are employees any money for activities carried on by or on behalf of any political party,
 - (iii) requires as a condition of membership therein the payment by any of its members who are employees of any money for activities carried on by or on behalf of any political party,
 - (iv) supports or requires its members who are employees otherwise to support any political party, or
 - (v) discriminates against any employee because of age, sex, race, national origin, colour or religion;

- (i) "employer" means the Crown in right of Ontario;
- (j) "lock-out" includes the closing of a place of employment, a suspension of work or a refusal by the employer to continue to employ a number of employees with a view to compel or induce the employees, or to aid another employer to compel or induce his employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employee organization or the employees;
- (k) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (l) "party" means the employee organization that is the bargaining agent for a bargaining unit, on the one hand, and the employer, on the other hand, and "parties" means the two of them;
- (m) "person employed in a managerial or confidential capacity" means a person who,
 - (i) is employed in a position confidential to the Lieutenant Governor, a Minister of the Crown, a judge of a provincial court, the deputy head of a ministry of the Government of Ontario or the chief executive officer of any agency of the Crown,
 - (ii) is involved in the formulation of organization objectives and policy in relation to the development and administration of programs of the Government or an agency of the Crown or in the formulation of budgets of the Government or an agency of the Crown,
 - (iii) spends a significant portion of his time in the supervision of employees,
 - (iv) is required by reason of his duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,
 - (v) adjudicates or determines claims for compensation which are made pursuant to the provisions of any statute,

- (vi) is employed in a position confidential to any person described in subclause i, ii, iii, iv or v,
- (vii) is employed in a confidential capacity in matters relating to employee relations including a person employed in a clerical, stenographic or secretarial position in the Civil Service Commission or in a personnel office in a ministry or agency of the Government of Ontario, or
- (viii) is not otherwise described in subclauses i to vii but who in the opinion of the Tribunal should not be included in a bargaining unit by reason of his duties and responsibilities to the employer;

R.S.O. 1970,
c. 386

(n) “public servant” means a public servant as defined in *The Public Service Act* and “public service” has a corresponding meaning;

(o) “Public Service Grievance Board” means the Public Service Grievance Board established under *The Public Service Act*;

(p) “regulations” means the regulations made under this Act;

(q) “strike” includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or interfere with work or services;

(r) “Tribunal” means the Ontario Public Service Labour Relations Tribunal.

Employer
representa-
tive

(2) The employer may be represented, in the case of the public service, by the Management Board of Cabinet, and in the case of an agency of the Crown, by the body designated by the regulations.

No loss of
employment
by lock-out,
etc.

(3) No employee shall be deemed to have ceased to be employed by reason only of his ceasing to work for the employer as a result of a lock-out contrary to section 25 or by reason only of his being dismissed by the employer contrary to this Act or to a collective agreement.

REPRESENTATION RIGHTS

2.—(1) Where no employee organization has representation rights in respect of a unit of employees that the employee organization claims to be appropriate for collective bargaining, an employee organization may apply at any time to the Tribunal for representation rights as bargaining agent of the employees in such unit. Application for representation rights

(2) Where a collective agreement is for a term of not more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement. Idem

(3) Where a collective agreement is for a term of more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the thirty-day period immediately prior to the last ninety days, Idem

(a) of the operation of the third year of the agreement;

(b) of each year that the agreement continues to operate after the third year; or

(c) of the termination of the agreement.

(4) Every application for representation rights shall be accompanied by the financial statement of the employee organization for the latest complete fiscal year or, if the employee organization has not been in existence for a complete fiscal year, for the period it has been in existence, and an affidavit both in the same form as required under subsections 1 and 2 of section 45. Application to include financial statement

(5) Every employee organization designated by the regulations shall be deemed to have been granted representation rights under this Act upon the coming into force of this Act in relation to such bargaining unit or units as are designated by the regulations. Representation rights on coming into force of Act

3.—(1) Upon an application for representation rights, the Tribunal shall, subject to subsection 2, determine the unit of employees that is appropriate for collective bargaining purposes under this Act. Tribunal to establish appropriate unit of employees

(2) The bargaining units designated in the regulations are appropriate units for collective bargaining purposes under this Act. Existing units appropriate for collective bargaining

Rep-
resentation
vote

4.—(1) Upon an application for representation rights by an employee organization claiming not less than 35 per cent of the employees in the appropriate bargaining unit as members, the Tribunal upon satisfying itself that not less than 35 per cent of such employees are members of the employee organization shall direct that a representation vote be taken.

Result of
vote

(2) If, on the taking of a representation vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal shall grant representation rights to the employee organization as the bargaining agent of the employees in the bargaining unit.

Certain
employee
organiza-
tions not to
have rep-
resentation
rights

5. The Tribunal shall not grant representation rights to any employee organization in the formation or administration of which there has been or is, in the opinion of the Tribunal, participation by the employer or any person acting on behalf of the employer of such a nature as to impair the employee organization's fitness to represent the interests of employees in the bargaining unit.

NEGOTIATION OF AGREEMENTS

Bargaining
authority

6. Upon being granted representation rights, the employee organization is authorized to bargain with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 1 of section 17, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to an employee for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by employees including paid holidays, paid vacations, group life insurance, health insurance and long-term income protection insurance, the procedures applicable to the processing of grievances, the methods of effecting promotions, demotions, transfers, layoffs or reappointments and the conditions applicable to leaves of absence for other than any elective public office or political activities or training and development.

Notice of
desire to
bargain

7.—(1) Upon being granted representation rights under section 4, the employee organization may give the employer written notice of its desire to bargain with the view to making a collective agreement.

Obligation
to bargain

(2) The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

MEDIATION

8.—(1) Where notice has been given under section 7 or 20, ^{Appointment of mediator} the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, appoint a mediator who shall confer with the parties and endeavour to effect a collective agreement.

(2) If the mediator is unable to effect a collective agree- ^{Report of mediator if unable to effect agreement} ment between the parties within thirty days after the date of his appointment or such longer period as the Tribunal may direct or the parties may agree upon, he shall report thereupon to the Tribunal.

ARBITRATION

9. If the mediator appointed under section 8 is unable to effect a collective agreement or if the Tribunal determines that a mediator should not be appointed, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided by arbitration in accordance with this Act. ^{When matters to be determined by arbitration}

10.—(1) A person shall be appointed by the Lieutenant ^{Chairman} Governor in Council for a renewable term of two years to be the chairman of every board of arbitration established under this Act.

(2) Within fourteen days after receipt of notice from the Tribunal that the mediator has reported that he is unable to effect a collective agreement or that the Tribunal has deter- ^{Appointment of members of board by parties} mined that a mediator should not be appointed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

(3) Where a party fails to appoint a member of a board within the period of fourteen days mentioned in subsection 2 or 5, the Tribunal, upon the written request of either of the parties, shall appoint such member. ^{Failure of party to appoint member}

(4) As soon as one of the parties appoints a member to a board, it shall notify in writing the other party and the Tribunal of the name and address of the member appointed. ^{Notice of appointment by party}

(5) Within fourteen days after receipt by a party of notice from the Tribunal that the member representing its point of view has ceased to act by reason of resignation, death or otherwise before the board has completed its work, the ^{Vacancies}

party shall notify the Tribunal of the person to be appointed to fill the vacancy created thereby.

Replacement
of member

(6) If, in the opinion of the Tribunal, a member of a board, other than the chairman, has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Tribunal may appoint a member in his place after consulting the party whose point of view was represented by such person.

Replacement
of chairman

(7) If the chairman of a board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Lieutenant Governor in Council may appoint a person to act as chairman in his place.

Persons
prohibited
as members

(8) No person shall be appointed a member of a board who has any pecuniary interest in the matters coming before it or who is acting or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Procedure

(9) A board shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(10) If the members of a board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(11) The decision of a majority of the members of a board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers of
board

(12) A board has all the powers of the Tribunal,

(a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath or affirmation;

(b) to administer oaths and affirmations; and

(c) to accept or exclude any oral testimony, document or other thing.

Idem

(13) A board may,

- (a) enter any premises of the employer where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to it or him, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences; and
- (b) authorize any person to do anything that the board may do under clause *a* and to report thereon to the board.

11.—(1) The board shall examine into and decide on matters that are in dispute within the scope of collective bargaining under this Act. ^{Duty of board}

(2) In the conduct of proceedings before it and in rendering a decision in respect of a matter in dispute, the board shall consider any factor that to it appears to be relevant to the matter in dispute including, ^{Factors to be taken into account by board}

- (a) the needs of the Crown and its agencies for qualified employees;
- (b) the conditions of employment in similar occupations outside the public service, including such geographic, industrial or other variations as the board may consider relevant;
- (c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications in the public service; and
- (d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered.

(3) The board may, upon application by either party to a decision within ten days after the release of the decision, subject to affording the parties the opportunity to make representations thereupon to the board, amend, alter or vary the decision where it is shown to the satisfaction of the board that it has failed to deal with any matter in dispute referred to it or that an error is apparent on the face of the decision. ^{Reference back to board}

R.S.O. 1970,
c. 25, 1971,
c. 47 not to
apply

(4) *The Arbitrations Act* and *The Statutory Powers Procedure Act, 1971* do not apply to arbitrations under this Act.

Where
agreement
reached

12.—(1) Where, during the bargaining under this Act or during the proceedings before the board, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under this Act.

Decision
of board

(2) Where, during the bargaining under this Act or during the proceedings before the board, the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision, except as otherwise agreed by the parties, shall be confined to the matters not agreed upon by the parties, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

Idem

(3) The board shall, in its decision, fix the time within which and the place where the parties shall execute the document.

Failure to
execute
agreement

(4) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under this Act, effective from the day designated in the order or, failing such designation, from the day upon which the order was made.

Agreement
not to
require
legislative
implementa-
tion

13. No collective agreement or decision of a board shall contain any term which would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating moneys for its implementation.

Employee
organization
as exclusive
bargaining
agent

14. Every collective agreement shall be deemed to provide that the employee organization that is a party thereto is recognized as the exclusive bargaining agent for the bargaining unit to which the agreement applies.

Payment of
dues to
employee
organization

15.—(1) The parties to a collective agreement may provide for the payment by the employees of dues or contributions to the employee organization.

(2) Where the Tribunal is satisfied that an employee because of his religious convictions or belief objects to paying dues or contributions to an employee organization, the Tribunal shall order that the provisions of the collective agreement pertaining thereto do not apply to such employee and that the employee is not required to pay dues or contributions to the employee organization, provided that amounts equivalent thereto are remitted by the employer to a charitable organization mutually agreed upon by the employee and the employee organization and failing such agreement then to such charitable organization registered as such under Part I of the *Income Tax Act* (Canada) as may be designated by the Tribunal.

Where objection to dues because of religious belief

1970-71,
c. 63 (Can.)

(3) No collective agreement shall contain a provision which would require, as a condition of employment, membership in the employee organization.

Requiring membership in employee organization prohibited

16.—(1) If a collective agreement does not provide for its term of operation, or provides for its operation for an unspecified term, it shall be deemed to provide for a term of two years.

Minimum term of agreements

(2) If the parties fail to agree on the term of a collective agreement, the board shall not provide for a term of less than two years.

Agreement not to be less than 2 years unless parties otherwise agree

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Tribunal on the joint application of the parties.

Early termination of collective agreements

17.—(1) Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine employment, appointment, complement, organization, work methods and procedures, kinds and location of equipment, discipline and termination of employment, assignment, classification, job evaluation system, merit system, training and development, appraisal, superannuation and the principles and standards governing promotion, demotion, transfer, lay-off and reappointment, and that such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

Exclusive functions of employer

(2) In addition to any other rights of grievance under a collective agreement, an employee claiming,

Grievances

(a) that his position has been improperly classified;

- (b) that he has been appraised contrary to the governing principles and standards;
- (c) that, contrary to the governing principles and standards or to the methods of effecting promotions, demotions, transfers, lay-offs or reappointments provided in the collective agreement, he has been promoted, demoted, transferred or laid off or has not been reappointed; or
- (d) that he has been disciplined, or dismissed or suspended from his employment, without just cause,

may process such matter in accordance with the grievance procedure provided in the collective agreement, and failing final determination under such procedure, the matter may be processed in accordance with the procedures for final determination applicable under *The Public Service Act* and the regulations thereunder.

R.S.O. 1970,
c. 386

Arbitration
of disputes
under
agreement

18.—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Public Service Grievance Board and the Board, after giving full opportunity to the parties to present their evidence and to make their submissions, shall decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement.

Powers

(2) The Public Service Grievance Board has the same powers as a board of arbitration under subsections 12 and 13 of section 10.

Penalty
where
employee
disciplined,
etc.

(3) Where the Public Service Grievance Board determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Enforce-
ment of
arbitration
decisions

(4) Where a party or an employee has failed to comply with any of the terms of the decision of the Public Service Grievance Board, any party or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision,

exclusive of the reasons therefor, in the prescribed form, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

OPERATION OF AGREEMENTS

19.—(1) A collective agreement is, subject to and for the purposes of this Act, binding upon the employer, upon the employee organization that is a party thereto and upon the employees in the bargaining unit covered by the agreement.

Binding effect of agreement

(2) Subsection 1 applies to every collective agreement covering a bargaining unit to which subsection 2 of section 3 applies which is in operation upon the coming into force of this Act.

Application of subs. 1 to existing agreements

20. Either party to a collective agreement desiring to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or the making of a new agreement, may, only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement, give notice in writing thereof to the other party accompanied by a statement in writing of its proposed modifications, if any.

Notice of desire to bargain for renewal or new agreement

21.—(1) Where notice has been given by the employee organization under section 7, the conditions then in effect applicable to or binding upon the employer, the employee organization or the employees which are subject to collective bargaining within the meaning of this Act shall not be altered without the consent of the employer, the employee organization or the employees, as the case may be.

Conditions in effect when notice to bargain given not to be altered

(2) Where notice has been given by either party to a collective agreement under section 20, except as altered by an agreement in writing of the parties, the terms and provisions of the agreement then in operation shall continue to operate until a new agreement entered into pursuant to the provisions of this Act is in operation.

Agreement to continue after notice to bargain for renewal or new agreement

TERMINATION OF REPRESENTATION RIGHTS

22.—(1) If an employee organization does not enter into a collective agreement with the employer within one year after being granted representation rights or fails to give notice of its intention to bargain as provided under section 20 and no such notice has been given by the employer, the employer or

Application for termination of representation rights

any employee in the bargaining unit concerned may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit.

Idem

(2) Any employee in the bargaining unit covered by a collective agreement may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement.

Representation vote

(3) Upon the application under subsection 2, the Tribunal shall ascertain the number of employees in the bargaining unit at the time the application was made and if a majority of the employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the employee organization, the Tribunal shall conduct a representation vote to determine whether or not the employees desire that the right of the employee organization to bargain on their behalf be terminated.

Result of vote

(4) If, on the taking of the representation vote, more than 50 per cent of the ballots cast are in opposition to the employee organization, the Tribunal shall declare that the employee organization that was granted representation rights or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Effect of termination

(5) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision of a board applying to the bargaining unit ceases to have effect.

Termination of rights where employee organization desires or has ceased to act

23.—(1) Where the Tribunal is advised by an employee organization that it wishes to be released of its representation rights in respect of a bargaining unit or where the Tribunal, upon application by the employer or any employee in a bargaining unit represented by an employee organization, determines that the employee organization has ceased to act on behalf of the employees, the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

Where lack of qualification or obtained by fraud

(2) Where the Tribunal,

(a) upon application thereto by the employer or any employee concerned, determines that an employee

organization would not, if it were applying for representation rights in respect of a bargaining unit, be granted such rights by the Tribunal by reason of failure to qualify under clause *h* of subsection 1 of section 1; or

- (b) is satisfied that an employee organization has obtained representation rights in respect of a bargaining unit by fraud,

the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

(3) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision made by a board applying to the bargaining unit ceases to have effect. Effect of termination

PROHIBITIONS

24. No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization. Persuasion at place of work

25. The employer shall not cause a lock-out, and an employee shall not strike. Strike and lock-out prohibited

26. Nothing in this Act prohibits any suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. Suspension or quitting for cause not to constitute lock-out or strike

27.—(1) No person who is acting on behalf of the employer shall participate in or interfere with the selection, formation or administration of an employee organization or the representation of employees by such an organization, but nothing in this section shall be deemed to deprive the employer or any person acting on behalf of the employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence. Interference with employee organization prohibited

(2) The employer or any person acting on behalf of the employer shall not, Interference with employee's rights prohibited

- (a) refuse to employ or to continue to employ or discriminate against a person with regard to employment

or any term or condition of employment because the person is exercising any right under this Act or is or is not a member of an employee organization;

- (b) impose any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Act;
- (c) seek by intimidation, by threat of dismissal or by any other kind of threat or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee to become or refrain from becoming or to continue or cease to be a member of an employee organization, or to refrain from exercising any other right under this Act; or
- (d) refuse to employ or continue to employ or discriminate against a person with regard to employment only because the person refused to make a contribution or expenditure to or on behalf of any political party or to or on behalf of a candidate for public office,

but no person shall be deemed to have contravened this subsection by reason of any act or thing done or omitted in relation to a person employed in a managerial or confidential capacity.

Intimidation and coercion

(3) No person or employee organization shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act.

Duty of fair representation

28. An employee organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees, whether members of the employee organization or not.

Authorizing or counselling strikes prohibited

29. No employee organization shall declare or authorize a strike of employees, and no officer or representative of an employee organization shall counsel, procure or support the declaration or authorization of a strike of employees or the participation of employees in a strike.

ENFORCEMENT

30.—(1) The Tribunal may appoint an investigator with ^{Inquiry by}
authority to inquire into a complaint that, ^{investigator}

- (a) a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment ;
- (b) a person has been suspended, expelled or penalized in any way contrary to section 34 ;
- (c) an employee organization, employer or any person or persons has acted in any way contrary to section 28 or 35.

(2) The investigator shall forthwith inquire into the ^{Duties}
complaint and endeavour to effect a settlement of the matter.

(3) The investigator shall report the results of his inquiry ^{Report}
and endeavours to the Tribunal.

(4) Where an investigator is unable to effect a settlement ^{Inquiry by}
of the matter or where the Tribunal in its discretion considers ^{Tribunal}
it advisable to dispense with an inquiry by an investigator,
the Tribunal may inquire into the complaint and,

- (a) if the Tribunal is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by the employer or by any person or employee organization it shall determine what, if anything, the employer, person or employee organization shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits for which compensation may be assessed against the employer, person or employee organization, jointly or severally, and the employer, person or employee organization shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination ;

- (b) if the Tribunal is satisfied that the person concerned has been suspended, expelled or penalized in any way contrary to section 34 it shall so declare, and thereupon the suspension, expulsion or penalty is void; or
- (c) if the Tribunal is satisfied that the employee organization, employer, person or employee concerned has acted contrary to section 28 or 35, it shall determine what, if anything, the employee organization, employer, person or employee shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the employee organization, employer, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

Effect of
settlement

(5) Where the matter complained of has been settled, whether through the endeavours of the investigator or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employee organization, employer, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the employee organization, employer, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1, as the case may be.

Declaration
of unlawful
strike

31. Where it is alleged that an employee organization has declared or authorized a strike or that employees are engaging in a strike, the employer may apply to the Tribunal for a declaration that such action would be or is contrary to section 25, and the Tribunal, after affording an opportunity to the employer and the employee organization or to the employees, as the case may be, to be heard on the application, may make such a declaration.

Declaration
of unlawful
lock-out

32. Where it is alleged that the employer has declared or authorized a lock-out or is engaging in a lock-out, any of the employees directly affected thereby or the employee organization concerned may apply to the Tribunal for a declaration that such action was or is contrary to section 25, and the Tribunal after affording an opportunity to the employer and the employees or employee organization, as the case may be, to be heard on the application, may make such a declaration.

33. No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will take any action contrary to section 25. Causing unlawful strikes, lock-outs

34. No employee organization shall suspend, expel or penalize in any way a member because he has refused to engage in or to continue to engage in any action contrary to section 25. Refusal to engage in unlawful strike

35.—(1) The employer or any person acting on behalf of the employer shall not, Protection of witnesses' rights

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;
- (c) discriminate against a person in regard to employment or a term or condition of employment; or
- (d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

(2) No employee organization or person acting on behalf of an employee organization shall, Idem

- (a) discriminate against a person in regard to employment or a term or condition of employment; or
- (b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

TRIBUNAL

36.—(1) There shall be a tribunal to be known as the Ontario Public Service Labour Relations Tribunal. Tribunal established

- Composition** (2) The Tribunal shall be composed of one or more adjudicators appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council considers appropriate.
- Chairman** (3) The Lieutenant Governor in Council shall designate one adjudicator to be the chairman.
- Vacancy** (4) A vacancy in the membership of the Tribunal for any cause may be filled by the Lieutenant Governor in Council.
- Quorum** (5) One adjudicator constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Tribunal.
- Assignment of adjudicators** (6) The chairman shall from time to time assign the adjudicators of the Tribunal to its various sittings and designate one as presiding member for each sitting.
- Decision** (7) Where the Tribunal at any sitting is composed of one adjudicator, his decision constitutes a decision of the Tribunal, and, where the Tribunal at any sitting is composed of more than one adjudicator, a decision of a majority of the adjudicators, constitutes a decision of the Tribunal, provided that in the event of a tie vote the presiding member has a casting vote.
- Jurisdiction** **37.** The Tribunal has exclusive jurisdiction to exercise the powers conferred upon it by this Act and to determine all questions of fact or law that arise in any matter before it, and, except as otherwise provided in this Act, the action or decision of the Tribunal thereon is final and binding for all purposes, but nevertheless the Tribunal may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.
- Question as to whether person an employee** **38.** If, in the course of bargaining for a collective agreement or during the period of operation of a collective agreement, a question arises as to whether a person is an employee, the question may be referred to the Tribunal and its decision thereon is final and binding for all purposes.
- Powers and duties of Tribunal** **39.—(1)** The Tribunal shall exercise such powers and perform such duties as are conferred upon it by this Act, including power,
- (a) to enter any premises of the employer where work is being or has been done by the employees or in which the employer carries on business and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;

- (b) to enter upon the premises of the employer and conduct representation votes during working hours and give such directions in connection with the vote as it considers necessary;
- (c) to authorize any person to do anything that the Tribunal may do under clauses *a* and *b* and to report to the Tribunal thereon;
- (d) to authorize an adjudicator to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon;
- (e) to bar an unsuccessful applicant for any period not exceeding ten months from the date of the dismissal of the unsuccessful application, or to refuse to entertain a new application by an unsuccessful applicant or by any of the employees affected by an unsuccessful application or by any person or employee organization representing such employees within any period not exceeding ten months from the date of the dismissal of the unsuccessful application;
- (f) to determine the form in which and the time as of which evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be presented to the Tribunal on an application for representation rights or for a declaration terminating representation rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined; and
- (g) to administer oaths and affirmations.

(2) Notwithstanding sections 2 and 22, where an application has been made for representation rights of an employee organization as bargaining agent for employees in a bargaining unit or for a declaration that the employee organization no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Tribunal at the time a subsequent application for such representation rights or for such a declaration is made with respect to any of the employees affected by the original application, the Tribunal may, Subsequent applications for representation rights, etc

- (a) treat the subsequent application as having been made on the date of the making of the original application;
- (b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Tribunal on the original application; or
- (c) refuse to entertain the subsequent application.

Deter-
mination of
membership

(3) Where the Tribunal is satisfied that an employee organization has an established practice of admitting persons to membership without regard to the eligibility requirements of its charter, constitution or by-laws, the Tribunal in determining whether a person is a member of an employee organization, need not have regard for such eligibility requirements provided that any person so admitted to membership is accorded full membership status for all purposes by the employee organization.

Where choice
between
two or more
employee
organizations

(4) Where, in the taking of a representation vote, the Tribunal determines that the employees are to be given a choice between two or more employee organizations,

- (a) the Tribunal may include on a ballot a choice indicating that an employee does not wish to be represented by an employee organization; and
- (b) the Tribunal, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

Stated case

40.—(1) The Tribunal may of its own motion and shall upon the request of any party state a case in writing to the Court of Appeal upon any question of law.

Court to
hear and
determine
stated case

(2) Where a case is stated under this section, the Court of Appeal shall hear and determine in a summary manner the question raised.

Proceedings
stayed

(3) Pending the decision of the Court of Appeal on a case stated under this section, no further proceedings shall be taken by the Tribunal with respect to the subject-matter of the stated case but it may continue its inquiry into matters not in issue in the stated case.

41.—(1) The Tribunal shall determine its own practice and procedure but shall afford to the parties to any proceedings an opportunity for a hearing to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules, not inconsistent with the provisions of this Act, governing its practice and procedure and the exercise of its powers. Procedure

(2) *The Statutory Powers Procedure Act, 1971* applies to the proceedings of the Tribunal. Application of 1971, c. 47

OFFENCES

42.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day upon which such contravention occurs or continues. Contra-vention of Act by person

(2) Every employee organization that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 for every day upon which such contravention occurs or continues. Contra-vention of Act by employee organization

(3) If an employee organization is guilty of an offence under this Act, every officer or representative thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 1 as if he had been convicted of an offence under subsection 1. When officers also guilty of offence

(4) An information in respect of a contravention of any provision of this Act may be for one or more offences and no information, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. Information

(5) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Tribunal, which may only be granted after affording an opportunity to the parties or to the employees, as the case may be, to be heard. Consent

43. A prosecution for an offence may be brought against an employee organization in the name of that organization, and, for the purposes of any such prosecution, an employee organization shall be deemed to be a person, and any act or thing done or omitted by an officer or representative of an employee organization within the apparent scope of his Prosecution of employee organization

authority to act on behalf of the employee organization shall be deemed to be an act or thing done or omitted by the employee organization.

GENERAL

Trusteeship
over
employee
organization

44.—(1) If the autonomy of an employee organization is suspended under the constitution and by-laws of its parent body, written notice thereof shall be given the Tribunal by the parent body within thirty days of the commencement of such suspension together with a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Tribunal, file such additional information as the Tribunal from time to time may require.

Duration of
trusteeship

(2) Any such supervision or control shall not continue for more than twelve months from the date of such suspension but such supervision or control may be continued for such further period as the Tribunal may prescribe.

Information

45.—(1) Every employee organization having representation rights under this Act shall, within three months after the coming into force of this Act and thereafter within three months after the end of each calendar year, file a statement with the Tribunal, certified as to the truth and accuracy thereof by the president and the treasurer, containing the following particulars:

- (a) the name of the organization;
- (b) the address of the headquarters of the organization in Ontario to which communications for the purposes of this Act may be directed;
- (c) the constitution and by-laws of the organization;
- (d) the name and address of each officer of the organization and the position held by each such officer;
- (e) the name and address of each officer and employee of the organization resident in Canada, other than a person performing primarily clerical or stenographic duties, the position held by each such officer and employee and the manner in which he was elected or appointed;
- (f) a financial statement for the latest complete fiscal year or, if the employee organization has not been in

existence for a complete fiscal year, for the period it has been in existence, consisting of,

- (i) a balance sheet showing the assets and liabilities of the organization made up for such fiscal year, and
- (ii) a statement of income and expenditure for such fiscal year, in such form and containing such particulars and other information relating to the financial position of the organization as may be prescribed by the regulations.

(2) Every financial statement shall be certified by a person licensed under *The Public Accountancy Act* and shall be accompanied by an affidavit completed by the president and treasurer of the employee organization affirming that throughout the fiscal period reported upon the employee organization was at all times qualified as an employee organization under this Act.

Financial statement
R.S.O. 1970,
c. 373

(3) An employee organization having representation rights under this Act shall publish for its members its financial statement in the same form and within the same periods prescribed under subsections 1 and 2.

Publication
of financial
statement

(4) Each party to a collective agreement shall, forthwith after it is made, file one copy thereof with the Tribunal.

Copy of
agreement
to be filed
with Tribunal

46. Any action or proceeding to restrain a contravention or otherwise enforce the provisions of this Act may be commenced in the Supreme Court after notice has been given to the employees affected by posting or publication in such manner as the Tribunal may direct, and, in the case of an employee organization, by service thereupon at the address shown in the statement required pursuant to subsection 1 of section 45.

Enforcement
of Act

47. No member of the Tribunal or of a board or of the Public Service Grievance Board and no person appointed thereby or a mediator appointed under this Act shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act.

Protection
against
giving
evidence in
civil actions

48.—(1) For the purposes of this Act and of any proceedings taken under it, any notice or communication, except in relation to a final decision or order of the Tribunal, sent through Her Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

Mailed
notices

Time of
making
certain
applications

(2) An application for representation rights or for a declaration that an employee organization no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Tribunal at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of
release of
documents

(3) A decision, determination, report, interim order, order, direction, declaration or ruling of the board, a notice from the Tribunal that it does not deem it advisable to appoint a mediator or a decision of a board,

(a) if sent by mail to the person, employer or employee organization concerned addressed to him or it at his or its last-known address, shall be deemed to have been released on the second day after the day on which it was so mailed; or

(b) if delivered to a person, the employer or employee organization concerned at his or its last-known address, shall be deemed to have been released on the day next after the day on which it was so delivered.

Secrecy as
to union
membership

49.—(1) The records of an employee organization relating to membership or any records that may disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization produced in a proceeding before the Tribunal is for the exclusive use of the Tribunal and its officers and shall not, except with the consent of the Tribunal, be disclosed, and no person shall, except with the consent of the Tribunal, be compelled to disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization.

Non-
disclosure

(2) No information or material furnished to or received by a mediator under this Act shall be disclosed, except to the Tribunal, unless otherwise authorized by the party providing the information or material.

Idem

(3) No report of a mediator shall be disclosed except to the Tribunal.

Competency
as witness

(4) A mediator appointed under this Act is not a competent or compellable witness in proceedings before a court or other tribunal respecting any information, material or report mentioned in subsection 2 or 3, or respecting any information or material furnished to or received by him, or any statement made to or by him in an endeavour to effect a collective agreement.

(5) The chairman or any other member of a board of arbitration is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him; or
- (c) any statement made by him,

in the course of his duties under this Act.

50. No proceedings under this Act are invalid by reason of any defect of form or any technical irregularity and no such proceedings shall be quashed or set aside if no substantial wrong or miscarriage of justice has occurred. ^{Defects in form, technical irregularities}

51. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) designating the body to represent any agency of the Crown for the purpose of subsection 2 of section 1;
- (b) prescribing the form and content of a statement of income and expenditure of an employee organization;
- (c) providing for and fixing the remuneration and expenses of the chairman and other members of a board and the chairman and other members of the Tribunal;
- (d) designating,
 - (i) units of employees that are appropriate bargaining units for collective bargaining purposes under this Act, and
 - (ii) designating the employee organization that shall have representation rights in relation to each of such bargaining units,

upon the day this Act comes into force;

- (e) prescribing forms and providing for their use.

52. The moneys required by the Crown for the purposes of this Act shall, until the end of March, 1973, be paid out ^{Moneys required for Act}

of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

53. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

54. This Act may be cited as *The Crown Employees Collective Bargaining Act, 1972*.

CHAPTER 68

**An Act to amend
The Ontario Development Corporation Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970, is amended by striking out "nine" in the third line and inserting in lieu thereof "thirteen". <sup>s. 2 (1),
amended</sup>

2. Subsections 2 and 3 of section 5 of the said Act are repealed. <sup>s. 5 (2, 3),
repealed</sup>

3.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: <sup>s. 8 (2),
re-enacted</sup>

- (2) The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of the Corporation conferred by clauses *a* and *b* of subsection 1. <sup>Approvals by
Lieutenant
Governor in
Council</sup>

(2) Subsection 4 of the said section 8, as amended by the Statutes of Ontario, 1971, chapter 67, section 1, is repealed. <sup>s. 8 (4),
repealed</sup>

4. Section 21 of the said Act is amended by adding thereto the following subsection: <sup>s. 21,
amended</sup>

- (1a) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 8, setting out the amounts and the terms of the loans and the guarantees together with the names and the addresses of the persons to whom <sup>Annual
report</sup>

the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Development Corporation Amendment Act, 1972*.

CHAPTER 69

**An Act to amend
The Northern Ontario Development
Corporation Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970, is amended by striking out “nine” in the third line and inserting in lieu thereof “thirteen”. s. 2 (1),
amended

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: s. 2 (2),
re-enacted

(2) One member shall be appointed from among the directors of Ontario Development Corporation. Director
of O.D.C.
to be
member

2. Subsections 2 and 3 of section 4 of the said Act are repealed. s. 4 (2, 3),
repealed

3.—(1) Subsection 1 of section 6 of the said Act is amended by striking out “subject to the approval of the Lieutenant Governor in Council” in the second and third lines. s. 6 (1),
amended

(2) The said section 6 is amended by adding thereto the following subsection: s. 6,
amended

(1a) The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of the Corporation conferred by clauses *a* and *b* of subsection 1. Approvals by
Lieutenant
Governor
in Council

(3) Subsection 3 of the said section 6, as amended by the Statutes of Ontario, 1971, chapter 87, section 1, is repealed. s. 6 (3),
repealed

s. 12,
amended

4. Section 12 of the said Act is amended by adding thereto the following subsection:

Annual
report

(1a) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 6, setting out the amounts and the terms of the loans and the guarantees together with the names and addresses of the persons to whom the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Northern Ontario Development Corporation Amendment Act, 1972*.

CHAPTER 70

**An Act to amend The Osgoode Hall
Law School Scholarships Act, 1968-69**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 15 of *The Osgoode Hall Law School Scholarships Act, 1968-69*, being chapter 90, is amended by striking out “male” in the eighth line and in the fourteenth line. ^{s. 15, amended}
- 2.** Section 15 of the said Act, as amended by section 1 of ^{Application} this Act, applies in respect of the scholarship awarded in 1972 and subsequent years.
- 3.** This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.
- 4.** This Act may be cited as *The Osgoode Hall Law School Scholarships Amendment Act, 1972*. ^{Short title}

CHAPTER 71

**An Act to amend
The Sunnybrook Hospital Act, 1966**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Sunnybrook Hospital Act*, ^{s. 1 (b),} 1966, being chapter 150, is repealed and the following substituted therefor:

(b) "Governors" means The Governing Council of the University of Toronto.

2. Clause *a* of subsection 1 of section 3 of the said Act is ^{s. 3 (1) (a),} amended by striking out "the Chairman of the Governors and the President of the University of Toronto" in the first and second lines and inserting in lieu thereof "the Chairman of the Governors, or a person appointed by him, and the President of the University of Toronto, or a person appointed by him".

3. Section 4 of the said Act is repealed and the following ^{s. 4,} substituted therefor:

4. One of the trustees shall be appointed by the ^{Chairman} Governors to be Chairman of the Board.

4.—(1) This Act, except section 1, comes into force on the ^{Commence-} day it receives Royal Assent.

(2) Section 1 comes into force on the 1st day of July, 1972. ^{Idem}

5. This Act may be cited as *The Sunnybrook Hospital* ^{Short title} *Amendment Act, 1972.*

CHAPTER 72

**An Act to amend
The Art Gallery of Ontario Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 4 of *The Art Gallery of Ontario Act*, being chapter 29 of the Revised Statutes of Ontario, 1970, is amended by striking out “appointed” in the first line and inserting in lieu thereof “elected”^{s. 4 (1) (b), amended}.

2.—(1) Subsections 2 and 3 of the said section 4 are repealed^{s. 4 (2, 3), re-enacted} and the following substituted therefor:

(2). A trustee appointed under clause *a* or *c* or elected^{Term of office} under clause *b* of subsection 1 shall hold office for a term of one year and until his successor is appointed or elected, as the case may be, and, subject to subsection 3, a trustee appointed under clause *d* of subsection 1 shall hold office for a term of three years and until his successor is appointed.

(3) Of the trustees first appointed under clause *d* of subsection 1 after the coming into force of this section, three shall hold office for a term of one year, three for a term of two years and four for a term of three years, and each trustee shall hold office until his successor is appointed.^{Idem}

(3a) Where a vacancy occurs for any reason in the office^{Vacancies} of trustee, the vacancy may be filled by appointment by the body that appointed or elected the trustee whose office is vacant, and a person so appointed shall hold office for the remainder of the term of his predecessor.

(3b) A trustee appointed or elected under subsection 1 is^{Eligibility for re-election or reappointment} eligible for reappointment or re-election, as the case may be, but no trustee appointed under clause *d* of

subsection 1 is eligible for reappointment on the expiration of his second consecutive term until at least one year has elapsed from the expiration of such term.

Term of
office of
present
trustees

(2) A trustee holding office on the day upon which this section comes into force continues in office for the remainder of the term for which he was appointed, and for the purposes of subsection 3*b* of section 4, a trustee who holds office on the day that this section comes into force shall be deemed to have taken office for the first time at the date of his first reappointment to office after the termination of the term of office that he holds on the day this section comes into force.

s. 5 (a),
amended

3.—(1) Clause *a* of section 5 of the said Act is amended by adding thereto the following subclause:

- (iv) governing the election of trustees to the Board by the membership of the Gallery under clause *b* of subsection 1 of section 4.

s. 5 (c),
re-enacted

(2) Clause *c* of the said section 5 is repealed and the following substituted therefor:

- (c) appoint, promote, transfer or remove such officers, clerks and servants as it considers necessary from time to time for the proper conduct of the affairs of the Gallery and may delegate all or a part of the authority for so doing to the Director.

s. 5 (h),
amended

(3) Clause *h* of the said section 5 is amended by striking out “having objects similar to those of the Gallery” in the second line and inserting in lieu thereof “to promote the objects of the Gallery”.

s. 6,
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Fiscal
year

- 6. The fiscal year of the Gallery commencing the 1st day of July, 1972, shall end the 31st day of March, 1973 and thereafter the fiscal year of the Gallery shall extend from the 1st day of April of any year to the 31st day of March of the year next following.

s. 8*a*,
enacted

5. The said Act is amended by adding thereto the following section:

Conflict
R.S.O. 1970,
c. 89

- 8*a*. In the event of a conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails.

6. Section 9 of the said Act is repealed and the following ^{s. 9,} substituted therefor: ^{re-enacted}

9. The real and personal property vested in the Gallery ^{Tax} and any lands and premises leased to and occupied ^{exemption} by the Gallery are not liable to taxation for municipal or school purposes so long as they are actually used and occupied for the purposes of the Gallery.

7. Section 14 of the said Act is repealed and the following ^{s. 14,} substituted therefor: ^{re-enacted}

14. The Board shall appoint one or more auditors ^{Auditors} licensed under *The Public Accountancy Act* to audit ^{R.S.O. 1970,} the accounts and transactions of the Gallery at least ^{c. 373} once a year.

8. Section 15 of the said Act is repealed and the following ^{s. 15,} substituted therefor: ^{re-enacted}

- 15.—(1) The Board shall submit to the Minister of Colleges ^{Annual} and Universities an annual report and such other ^{report, etc.} reports as he may request from time to time.

- (2) The Minister of Colleges and Universities shall sub- ^{Tabling} mit the annual report to the Lieutenant Governor in Council and shall then lay such report before the Assembly if it is in session or, if not, at the next ensuing session.

9. The said Act is amended by adding thereto the following ^{s. 17,} section: ^{enacted}

17. Notwithstanding section 16 and the condition ^{Conveyance} attached to a deed dated the 17th day of February, ^{of lands to} 1911, registered in the Registry Office for the Registry ^{Toronto} Division of Toronto as No. 23798S between Goldwin Larratt Smith, of the City of Toronto, Solicitor, surviving Executor and Trustee of the Last Will and Testament of Harriette Elizabeth Mann Smith, deceased, and James Frederick Smith and the said Goldwin Larratt Smith, of the same place, Solicitors, Executors and Trustees of the Last Will and Testament of Goldwin Smith, deceased, and the Art Museum of Toronto, the Gallery may convey, release, quit claim or otherwise dispose of to The Corporation of the City of Toronto the lands set forth in the Schedule. ^{authorized}

Commence-
ment **10.**—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem (2) Section 4 comes into force on the 1st day of July, 1972.

Short title **11.** This Act may be cited as *The Art Gallery of Ontario Amendment Act, 1972*.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the Municipality of Metropolitan Toronto (formerly in the County of York) and Province of Ontario being composed of:

Firstly: Part of Park Lot 13 in the First Concession from the Bay, in the original Township of York but now in the said City of Toronto, the said parcel of land being designated as Part 7 on a plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357.

Secondly: Part of Park Lots 13 and 14 in the First Concession from the Bay, in the original Township of York but now in the said City of Toronto, the said parcels of land being designated as Parts 13 and 14 on said plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357.

CHAPTER 73

An Act to amend The Ministry of Education Act

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ministry of Education Act*,<sup>s. 1 (d),
amended</sup> being chapter 111 of the Revised Statutes of Ontario, 1970, is amended by striking out “of compulsory school age, whether or not instruction is also provided for pupils of other ages” in the fourth and fifth lines.

2. Subsection 2 of section 9 of the said Act is amended by<sup>s. 9 (2),
amended</sup> adding thereto the following clause:

(*ba*) cause to be published from time to time lists of textbooks, reference books and library books, selected and approved by the Minister pursuant to the regulations, for use in elementary and secondary schools.

3.—(1) Clause *b* of subsection 1 of section 10 of the said<sup>s. 10 (1) (b),
amended</sup> Act is amended by striking out “evidence of” in the fourth line and by adding at the end thereof “and may require such evidence thereof as he considers necessary”.

(2) Subsection 1 of the said section 10 is amended by adding<sup>s. 10 (1),
amended</sup> thereto the following clause:

(*da*) grant to a board a temporary letter of approval<sup>letter of
approval</sup> authorizing the board to appoint or assign, for a period not exceeding one year, a teacher to teach a subject or hold a position where the teacher does not hold the additional certificate required for teaching the subject or for holding the position.

(3) Subsection 1 of the said section 10 is further amended by<sup>s. 10 (1),
amended</sup> adding thereto the following clauses:

advisory
body

- (m) appoint such advisory or consultative bodies as may be considered necessary by the Minister from time to time;

corre-
spondence
courses

- (n) provide for the development, distribution and supervision by the Ministry of correspondence courses;

equalization
factor

- (o) provide an assessment equalization factor,

- (i) for each municipality, including, for public and secondary school purposes, any part of territory without municipal organization that is deemed to be attached thereto for such purposes and, for public school purposes, any part of territory without municipal organization that is deemed to be annexed thereto for public school purposes,

- (ii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part IV of *The Secondary Schools and Boards of Education Act*,

- (iii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part III of *The Separate Schools Act*,

- (iv) for each public school section that comprises only territory without municipal organization, and

- (v) for each separate school zone that comprises only territory without municipal organization,

and determine the assessment roll to which each such factor applies and, where such factors are provided, shall provide for publication thereof in *The Ontario Gazette*.

s. 12 (1),
amended

4.—(1) Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 89, section 3, is further amended by adding thereto the following paragraphs:

recreation
programs

- 8a. defining and governing programs of recreation, camping, physical education and adult education;

9a. governing the granting to a board of a letter of per-^{letter of}
mission and a temporary letter of approval. ^{permission}

(2) Paragraph 19 of subsection 1 of the said section 12 is ^{s. 12 (1),}
amended by adding at the end thereof "and prescribing the ^{par. 19,}
fees to be paid for duplicates thereof". ^{amended}

(3) Subsection 1 of the said section 12 is further amended by ^{s. 12 (1),}
adding thereto the following paragraphs: ^{amended}

33a. prescribing the manner in which records in respect ^{pupil}
of pupils of elementary and secondary schools shall be ^{records}
established and maintained, including the forms to be
used therefor and the type of information that shall
be kept and recorded, and providing for the retention,
transfer and disposal of such records;

33b. providing for the disposition of records established ^{distribution}
prior to the 1st day of September, 1972 in respect of ^{of present}
pupils. ^{pupil records}

36a. prescribing the fees to be paid for duplicates of ^{fees}
certificates of qualification and letters of standing.

(4) Clause *c* of subsection 3 of the said section 12 is repealed ^{s. 12 (3) (c),}
and the following substituted therefor: ^{re-enacted}

(c) for the purposes of legislative grants,

(i) defining any word or expression,

(ii) requiring the approval of the Minister to any
amount of money or rate determined by the
application of any word or expression defined,

(iii) prescribing the portions of any expenditure
to which such grants apply, and

(iv) respecting the application of any part of such
grants.

(5) The said section 12, as amended by the Statutes of ^{s. 12,}
Ontario, 1971, chapter 89, section 3, and the Statutes of ^{amended}
Ontario, 1972, chapter 1, section 61, is further amended by
adding thereto the following subsection:

(4) A regulation made in any year under clause *a*, *b* or *c* ^{Application}
of subsection 3 may be made to apply in its operation ^{to previous}
to a previous year. ^{year}

s. 12,
amended

(6) The said section 12 is further amended by adding thereto the following subsection:

Metropolitan
Toronto
School
Board

(5) A regulation made under this section may be made to apply to The Metropolitan Toronto School Board.

s. 14,
repealed

5. Section 14 of the said Act is repealed.

s. 17,
re-enacted;
s. 18,
repealed

6. Sections 17 and 18 of the said Act are repealed and the following substituted therefor:

Teacher
education

17.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(a) establish, maintain and conduct a college for the professional education of teachers and may enter into arrangements with a board for the use of any of its elementary or secondary schools for practice teaching purposes and for the services of teachers in any of its elementary or secondary schools as lecturers or instructors in the college;

(b) enter into an agreement with a university, a college of a university or a college to provide for the professional education of teachers by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

Agreements
re practice
teaching,
etc.

(2) Where a university, a college of a university or a college has entered into an agreement with the Minister under clause *b* of subsection 1, a board may permit one or more of its elementary or secondary schools to be used for practice teaching purposes and may provide for the services of any of its teachers as lecturers or instructors in such university or college under such terms and conditions as may be agreed upon between the board and the university or college.

Cost of
teacher
education

(3) The cost of the establishment, maintenance and conduct of a college referred to in clause *a* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.

Idem

(4) The cost of providing the professional education of teachers by a university, a college of a university or a college under an agreement referred to in clause *b* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.

7. Subsection 7 of section 20 of the said Act is repealed and ^{s. 20 (7),} the following substituted therefor: ^{re-enacted}

- (7) The Minister may, on the request of any person ^{Inspection} operating a private school, provide for inspection ^{on request} of the school in respect of the standard of instruction in the subjects of grades 11 and 12 leading to the secondary school graduation diploma and in the subjects of grade 13 leading to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection.

8.—(1) This Act, except subsection 3 of section 3 and ^{Commence-} subsection 6 of section 4, comes into force on the day it receives ^{ment} Royal Assent.

(2) Subsection 3 of section 3 and subsection 6 of section 4 shall ^{Idem} be deemed to have come into force on the 1st day of January, 1972.

9. This Act may be cited as *The Ministry of Education* ^{Short title} *Amendment Act, 1972.*

CHAPTER 74

An Act to amend The Public Schools Act

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Public Schools Act*, being ^{s. 1 (b),} chapter 385 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(b) “elector” in respect of a school section means a public school elector under *The Municipal Elections Act, 1972* ^{s. 192, c. 95} who is qualified to vote at an election of public school trustees in such school section.

2.—(1) Subsection 1 of section 13 of the said Act, as ^{s. 13 (1),} amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding “and” at the end of clause *b* and by striking out clauses *c* and *d* and inserting in lieu thereof the following:

(c) is an elector resident in the school section.

(2) Clause *a* of subsection 2 of the said section 13 is ^{s. 13 (2) (a),} amended by striking out “day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting” in the eleventh, twelfth and thirteenth lines and inserting in lieu thereof “last day for filing nominations for a new election unless before the closing of nominations”.

(3) Subsection 2 of the said section 13 is amended by ^{s. 13 (2),} striking out “or” at the end of clause *d*, by adding “or” at the end of clause *c* and by striking out clause *e*.

(4) Subsections 4 and 5 of the said section 13 are repealed. ^{s. 13 (4, 5),} repealed

3. Subsection 1 of section 16 of the said Act is amended ^{s. 16 (1),} by striking out “with one-half of the trustees retiring each year” in the third and fourth lines. ^{amended}

s. 17 (1),
amended

4. Subsection 1 of section 17 of the said Act is amended by striking out "one of whom shall retire each year" in the third line.

s. 19 (1),
repealed

5. Subsection 1 of section 19 of the said Act is repealed.

s. 20,
re-enacted

6. Section 20 of the said Act is repealed and the following substituted therefor:

Electors
in school
section

20. A person is entitled to vote at the election of trustees in a school section if he is an elector in respect of such school section.

s. 21,
re-enacted

7. Section 21 of the said Act is repealed and the following substituted therefor:

Elections

21. The election of members of the board of an urban municipality shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality under *The Municipal Elections Act, 1972*.

1972, c. 95

s. 22 (2, 3),
re-enacted

8. Subsections 2 and 3 of section 22 of the said Act are repealed and the following substituted therefor:

Idem

(2) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected.

Idem

(3) In the case of an urban school board or a township school area board,

(a) any vacancy that occurs within one month of the time for the next ensuing election shall not be filled in the manner provided by subsection 1 or 2, but the office shall remain vacant until the election; and

(b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 1 or 2, as the case may be.

Election
to fill
vacancy

(3a) Notwithstanding subsections 1, 2 and 3, the board of an urban school section may by resolution require

that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply. ^{1972, c. 95}

9. Sections 23 and 24 of the said Act are repealed. ^{ss. 23, 24, repealed}

10. Section 26 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 69, section 2, is amended by adding thereto the following subsection: ^{s. 26, amended}

- (7) A by-law of a municipality for altering a school section is valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law has been made within thirty days after the clerk of the municipality has received notice from the Minister that he has approved the by-law. ^{Quashing of by-law}

11. Section 27 of the said Act is repealed and the following substituted therefor: ^{s. 27, re-enacted}

- 27.—(1) There shall be a board of five public school trustees for every township school area. ^{Township School Area Board}
- (2) The election of trustees for a township school area, except a township school area formed under section 29, shall be by ballot in accordance with section 21. ^{Election of trustees}
- (3) The term of office of all trustees of a township school area now in office shall expire at the end of the year 1972 and elections for all trustees of a township school area shall be held in the year 1972 and in every second year thereafter, and trustees shall hold office for a term of two years. ^{Biennial elections}

12. Section 49 of the said Act is amended by adding thereto the following subsections: ^{s. 49, amended}

- (2) The moneys raised under subsection 1 shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve account. ^{Reserve account}
- (3) Subject to subsection 4, where, in a municipality referred to in subsection 1, a public school board is organized and makes provision for the education of its resident pupils, the municipal council shall pay ^{Use of moneys in account}

over to the board such moneys as are held by the municipality under this section, and such moneys,

- (a) shall be used for such expenditures for permanent improvements for public school purposes as the board considers expedient; and
- (b) in any one year, may be used to defray not more than one-third of the amount that would otherwise be required to be requisitioned by the board for public school purposes from such municipality.

Application
in a school
division

- (4) Where a municipality referred to in subsection 1 becomes part of a school division, the municipal council shall pay over to the divisional board such moneys as are held by the municipality and such moneys shall be used as provided in clause *b* of subsection 3.

s. 50,
re-enacted

13. Section 50 of the said Act is repealed and the following substituted therefor:

Reserve fund
for public
school
purposes,
application
in 1973

- 50.—(1) Moneys that are held by a municipality as of the 31st day of December, 1972 and were derived from the Ontario Municipalities Fund or from any other source for public school purposes, except the collection of rates, shall be applied by the municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the municipality.

Area municipi-
palities in
Niagara
Region

R.S.O. 1970,
c. 406

- (2) Where an area municipality, as defined in *The Regional Municipality of Niagara Act* holds moneys referred to in subsection 1, such moneys shall be applied by the area municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the part of the area municipality that, on the 31st day of December, 1969, was a municipality that held such moneys, and where there is more than one such part in the area municipality, the moneys shall be applied by the area municipality in respect of each such part in the ratio in which the moneys were held by the former municipalities.

Where part
of municipi-
pality
detached

- (3) Where, on the 31st day of December, 1972, a municipality holds moneys referred to in subsection 1 and a portion of such municipality is, on the 1st day of January, 1973, detached therefrom, such moneys shall be apportioned by the clerk of such

municipality between the detached portion and the remainder of the municipality in the ratio that the assessment of the property rateable for public school purposes on which taxes were levied in 1972 in the detached portion bears to such assessment in the remainder of the municipality and the amount so apportioned to the portion detached and the remainder of the municipality shall be applied to reduce the rates that would otherwise be required to be levied for public school purposes in 1973 in the detached portion and in the remainder, and the amount of money apportioned to the detached portion shall, before the 31st day of January, 1973, be paid over to the municipality of which the detached portion becomes a part.

14. Subclause iv of clause *b* of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor: ^{s. 51 (1) (b) (iv), re-enacted}

- (iv) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to a reserve fund, shall not exceed a sum calculated in the manner provided for public school purposes in respect of a divisional board of education in clause *d* of subsection 1 of section 31 of *The Secondary Schools and Boards of Education Act*. ^{R.S.O. 1970, cc. 424, 425}

15.—(1) This Act, except sections 13 and 14, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Sections 13 and 14 come into force on the 1st day of January, 1973. ^{Idem}

16. This Act may be cited as *The Public Schools Amendment Act, 1972*. ^{Short title}

CHAPTER 75

An Act to amend The Secondary Schools and Boards of Education Act

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Secondary Schools and Boards of Education Act*, being chapter 425 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (a) if he and his parent or guardian reside in the secondary school district; or

2.—(1) Subsection 1 of section 5 of the said Act, as amended ^{s. 1 (a), re-enacted} by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 29, is further amended by adding “and” at the end of clause *b* and by striking out clauses *c* and *d* and inserting in lieu thereof the following:

- (c) who is an elector resident in the secondary school district.

(2) Clause *a* of subsection 2 of the said section 5 is amended ^{s. 5 (2) (a), amended} by striking out “day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting” in the eleventh, twelfth and thirteenth lines and inserting in lieu thereof “last day for filing nominations for a new election unless before the closing of nominations”.

(3) Subsection 2 of the said section 5 is amended by adding ^{s. 5 (2), amended} “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*.

- (4) Subsections 4 and 5 of the said section 5 are repealed. ^{s. 5 (4, 5), repealed}

3. Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor: ^{s. 9 (1), re-enacted}

Secondary
school
property
vested in
board

- (1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the secondary school purposes of a secondary school district or any part thereof, or that may hereafter be so granted, devised, acquired or vested, is vested in the board having jurisdiction in the secondary school district.

s. 13,
re-enacted;
ss. 14-18,
repealed

4. Sections 13, 14, 15, 16, 17 and 18 of the said Act are repealed and the following substituted therefor:

Advisory
committee

- 13.—(1) A secondary school board that provides or plans to provide a vocational course may, by resolution, appoint an advisory committee to be known as the advisory committee for.....
(inserting the name of the vocational course) and composed of such persons, all or any of whom may be members of the board, appointed for such term, not extending beyond the term of office of the members of the board, as the board considers necessary to advise the board on matters relating to the vocational course.

Honorarium

- (2) A secondary school board may pay to each person appointed under subsection 1 who is not a member of the board such honorarium as the board may determine for each month for which he is appointed, but such honorarium shall not exceed one-half of the amount determined under subsection 1 of section 40 of *The Schools Administration Act* based on the enrolment on the 30th day of September in the preceding year in all secondary schools that, on the 1st day of January of the current year, are operated by the board.

R.S.O. 1970,
c. 424

s. 24 (3),
amended

5. Subsection 3 of section 24 of the said Act is amended by inserting after "disqualified" in the third line "during the term of office for which he was elected or appointed".

s. 27 (1),
amended

- 6.—(1) Subsection 1 of section 27 of the said Act is amended by adding thereto the following clause:

(fa) "locality" means a part of territory without municipal organization that is deemed to be a district municipality under subsection 4.

s. 27 (1) (g, i),
re-enacted

- (2) Clauses g and i of subsection 1 of the said section 27 are repealed and the following substituted therefor:

(g) "public school elector", in respect of an area for which one or more members of a divisional board are

to be elected by public school electors, means a public school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election for such members in such area;

- (i) "separate school supporter", in respect of an area for which one or more members of a divisional board are to be elected by separate school supporters, means a separate school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election of such members in such area.

(3) Subsection 8 of the said section 27, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 1, is further amended by striking out "the application of the equalization factor, based on such assessment" in the tenth and eleventh lines and inserting in lieu thereof "the assessment equalization factor applicable thereto". s. 27 (8),
amended

(4) Subsection 9 of the said section 27 is amended by striking out "the preparation of a voters' list and the election of members of a divisional board under *The Municipal Act* and *The Voters' Lists Act* which apply *mutatis mutandis*" in the ninth, tenth and eleventh lines and inserting in lieu thereof "the election of members of a divisional board under *The Municipal Elections Act, 1972*". s. 27 (9),
amended

7.—(1) Clause *d* of subsection 1 of section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsections 2 and 3, is repealed and the following substituted therefor: s. 31 (1) (d),
re-enacted

- (*d*) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to a reserve fund, R.S.O. 1970,
c. 424

- (i) for secondary school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and

- (ii) for public school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division.

s. 31,
amended

(2) The said section 31 is amended by adding thereto the following subsection :

Interpre-
tation

- (1a) In subsection 1, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year preceding the year for which the estimates are adopted as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 32 (1),
re-enacted

8.—(1) Subsection 1 of section 32 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 4, is repealed and the following substituted therefor:

Interpre-
tation

- (1) In this section, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year preceding the year for which the apportionment is made as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 32 (3),
amended

(2) Subsection 3 of the said section 32 is amended by inserting after "municipalities" in the second line "and localities" and by inserting after "municipality" in the fifth line "or locality".

s. 32 (4),
amended

(3) Subsection 4 of the said section 32 is amended by inserting after "municipalities" in the second line "and localities" and by inserting after "municipality" in the fifth line "or locality".

s. 32 (7),
amended

(4) Subsection 7 of the said section 32 is amended by inserting after "county" in the second line "or the regional municipality or, in the case of The Muskoka Board of Education, the treasurer of The District Municipality of Muskoka".

s. 33 (1),
repealed

9.—(1) Subsection 1 of section 33 of the said Act is repealed.

s. 33 (2),
amended

(2) Subsection 2 of the said section 33 is amended by inserting after "thereof" in the fifth line "and localities".

(3) Subsection 3 of the said section 33 is amended by striking ^{s. 33 (3),} out “passed” in the fourth line and inserting in lieu thereof “made” and by inserting after “thereof” in the fifth line “and localities”.

(4) Subsection 4 of the said section 33 is amended by striking ^{s. 33 (4),} out “the regulations” in the second line and inserting in lieu thereof “a regulation made under this section” and by inserting after “part” in the third line “thereof or a locality”.

10. Section 37 of the said Act is amended by adding ^{s. 37,} thereto the following subsection:

(2a) The clerk of the defined city shall make the deter- ^{Clerk to}mination under subsection 2 and shall send to the ^{make deter-}secretary of the divisional board, before the 1st day of September in the year of the election of the divisional board, a copy of the determination.

11.—(1) Clause *a* of subsection 1 of section 38 of the said ^{s. 38 (1) (a),} Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 5, is repealed and the following substituted therefor:

(a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause *c* as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

(2) Clause *b* of subsection 1 of the said section 38 is amended ^{s. 38 (1) (b),} by adding at the end thereof “or under *The Regional Municipal Grants Act* for the purposes of that Act”.

(3) Clause *c* of subsection 1 of the said section 38 is amended ^{s. 38 (1) (c),} by striking out “4, 5, 6, 12, 13, 14, 22 or 23” in the second line and inserting in lieu thereof “4, 5, 6, 9, 9a, 9b, 11, 12, 13, 14, 16, 22 or 23”.

(4) Clause *a* of subsection 6 of the said section 38 is ^{s. 38 (6) (a),} amended by striking out “of” where it occurs the first time in the seventh line and inserting in lieu thereof “to”.

(5) Clause *b* of subsection 9 of the said section 38, as ^{s. 38 (9) (b),} amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 6, is further amended by inserting after “greatest” in the third line “equalized” and by striking out “according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Minister” in the fifth, sixth, seventh and eighth lines and in the amendment of 1972.

s. 38 (9) (c),
amended

(6) Clause *c* of subsection 9 of the said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 7, is further amended by inserting after “greatest” in the third line “equalized” and by striking out “according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Minister” in the fifth, sixth, seventh and eighth lines and in the amendment of 1972.

s. 38,
amended

(7) The said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsections 5 to 9, is further amended by adding thereto the following subsections:

Distribution
of members
within
combined
municipalities

(9a) Where two or more county municipalities that are not in a regional municipality are combined under subsection 9 for the election of two or more members by the public school electors and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two members and, where the clerks of such combined municipalities so determine,

(a) the number of members to be elected by the public school electors of the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of such combined municipalities, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in each such combined area and in the remainder, if any, of such combined municipalities, bears to the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities; and

(b) where the remainder of a county municipality is to be represented by two or more members, subsections 19 and 20 shall apply *mutatis mutandis* in respect of such remainder.

Appeal from
determination
under
subs. 9a

(9b) Where the determination made under subsection 9a apportions to a combined area or to the remainder of the combined municipalities a percentage of the total number of members to be elected by the public school

electors of the combined municipalities as determined under subsection 9 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the combined area or the remainder of the combined municipalities, as the case may be, is of the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after such determination has been made, appeal the determination to the judge who shall either re-apportion the number of members in accordance with clause *a* of subsection 9*a* or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final.

(8) Subsection 10 of the said section 38, is amended by ^{s. 38 (10), amended} striking out "Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if" in the first, second and third lines and inserting in lieu thereof "The determination under subsection 9 shall be made before the 1st day of September, and the determination under subsection 9*a* may be made before the 15th day of September, in each year in which an election is to be held if".

(9) Subsection 11 of the said section 38, as amended by ^{s. 38 (11), re-enacted} the Statutes of Ontario, 1972, chapter 1, section 63, subsection 8, is repealed and the following substituted therefor:

(11) Where the determination under subsection 9 is not ^{Where judge to make determination} made before the 1st day of September, the clerk of the county municipality or of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for public school purposes in the school division, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 12.

(10) Subsection 16 of the said section 38, as amended by the ^{s. 38 (16), amended} Statutes of Ontario, 1972, chapter 1, section 63, subsection 9, is further amended by inserting after "greatest" in the third line "equalized" and by striking out "according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Minister", in the fifth, sixth and seventh lines and in the amendment of 1972.

s. 38 (21),
re-enacted

(11) Subsection 21 of the said section 38 is repealed and the following substituted therefor:

Election by
public school
electors in
county and
district mun-
icipalities

(21) Where two or more county or district municipalities are combined for the election of one or more members, such member or members shall, except where a determination is made under subsection 9*a*, be elected by a general vote of the public school electors of the combined municipalities, and where, under subsection 9*a* or 9*b*, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two members or the remainder of the combined municipalities comprises parts of two or more municipalities, the number of members apportioned thereto shall be elected by a general vote of the public school electors of such combined area or remainder, and,

(*a*) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes of any municipality all of which is in the area for which the member or members are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(*b*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

s. 38,
amended

(12) The said section 38 is further amended by adding thereto the following subsection:

Distribution
of members
within com-
bined mun-
icipalities

(23*a*) Where two or more county municipalities are combined for the election of two or more members to be elected by separate school supporters, subsections 9*a* and 9*b* apply *mutatis mutandis* to such combination of municipalities except that the equalized residential and farm assessments of the property rateable for separate school purposes shall be used in all the determinations.

(13) Clause *c* of subsection 25 of the said section 38 is amended by striking out “in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be” in the fourth, fifth, sixth and seventh lines, and inserting in lieu thereof “of any municipality all of which is in the area for which the member or members are to be elected”. s. 38 (25) (c),
amended

(14) Subsections 27 to 34 of the said section 38 are repealed and the following substituted therefor: s. 38 (27),
re-enacted;
s. 38 (28-34),
repealed

(27) The election of members of a divisional board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. Elections

12.—(1) Clause *a* of subsection 3 of section 39 of the said Act is amended by striking out “day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting” in the tenth, eleventh and twelfth lines and inserting in lieu thereof “last day for filing nominations for a new election unless before the closing of nominations”. s. 39 (3) (a),
amended

(2) Subsection 3 of the said section 39 is amended by adding “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*. s. 39 (3),
amended

13. Sections 40 and 41 of the said Act are repealed. ss. 40, 41,
repealed

14. Section 42 of the said Act is amended by adding thereto the following subsection: s. 42,
amended

(5) Notwithstanding the provisions of this section, a divisional board may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972*, c. 95 that pertain to an election to fill a vacancy shall apply. Election to
fill a
vacancy

15.—(1) Subsection 1 of section 44 of the said Act is amended by adding at the end thereof “for a supervisory officer”. s. 44 (1),
amended

(2) Subsection 2 of the said section 44 is amended by adding at the end thereof “for a supervisory officer”. s. 44 (2),
amended

16.—(1) Clauses *a*, *b*, *c*, *d* and *e* of subsection 2 of section 62 of the said Act are repealed and the following substituted therefor: s. 62 (2) (a, b),
re-enacted;
s. 62 (c-e),
repealed

- (a) that is more accessible to the pupil than any secondary school in the secondary school district of which he is a resident pupil ;
- (b) to take, for the purpose of obtaining the secondary school honour graduation diploma, a subject or subjects not available in the secondary school district of which he is a resident pupil but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

s. 62 (6),
amended

(2) Subsection 6 of the said section 62 is amended by striking out “c, d, e” in the first line.

s. 64,
amended

17. Section 64 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 68, section 6, is further amended by adding thereto the following subsection:

Admission
of adult
resident
who is not
a resident
pupil

- (2) Notwithstanding any general or special Act, a person who resides in a secondary school district and who, except as to residence, is qualified to be a resident pupil in another secondary school district shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which he resides if,
 - (a) the person has attained the age of eighteen years and has been promoted or transferred to a secondary school; and
 - (b) the appropriate supervisory officer certifies that there is adequate accommodation in the secondary school.

s. 65 (1),
amended

18. Subsection 1 of section 65 of the said Act is amended by striking out “pupil’s parent or guardian” in the fifth line and inserting in lieu thereof “pupil where the pupil has attained the age of eighteen years, or by his parent or guardian where the pupil has not attained the age of eighteen years”.

Commence-
ment

19.—(1) This Act, except sections 1, 4, 7, 8, 9 and 17 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 17 come into force on the 1st day of September, 1972.

Idem

(3) Sections 4, 7, 8 and 9 come into force on the 1st day of January, 1973.

Short title

20. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1972*.

CHAPTER 76

An Act to amend The Separate Schools Act

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 7 of *The Separate Schools Act*, s. 7 (4), being chapter 430 of the Revised Statutes of Ontario, 1970, is amended by striking out "assessor" in the first line and inserting in lieu thereof "clerk". amended

2.—(1) Clauses *b* and *c* of section 17 of the said Act, s. 17 (*b, c*), as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 64, subsection 1, are repealed. repealed

(2) Clauses *e* and *h* of the said section 17 are repealed. s. 17 (*e, h*), repealed

3. Section 18 of the said Act is repealed and the following s. 18, re-enacted substituted therefor:

18. Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within, Meeting to establish separate school

(*a*) one former school section of a township; or

(*b*) a city, town or village,

that is not within an area designated by the regulations made under subsection 2 of section 81, may, for the purpose of the election of trustees, convene a public meeting of persons desiring to establish a separate school therein.

4.—(1) Subsection 1 of section 21 of the said Act is s. 21 (1), repealed and the following substituted therefor: re-enacted

(1) Notice in writing of the holding of the meeting referred to in section 20 and of the election of trustees shall be delivered by one of the trustees so elected to the clerk of the municipality and to the secretary of the board Notice of meeting and election

of public school trustees for the area in which the separate school is about to be established designating by name and residence each of the persons elected as trustees.

s. 21 (2),
amended

(2) Subsection 2 of the said section 21 is amended by striking out "trustees" in the third line and inserting in lieu thereof "trustee".

s. 22 (1),
amended

5. Subsection 1 of section 22 of the said Act is amended by striking out "In unorganized townships and in any part of Ontario not surveyed into townships" in the first and second lines and inserting in lieu thereof "In territory without municipal organization that is not within an area designated by the regulations made under subsection 2 of section 81".

s. 34 (15),
re-enacted

6. Subsection 15 of section 34 of the said Act is repealed and the following substituted therefor:

School sites
for combined
board

(15) A board of a combined separate school zone may, without the approval of the supporters, acquire a school site that is within the combined separate school zone.

s. 38 (1),
amended

7. Subsection 1 of section 38 of the said Act is amended by striking out "with one-half of the trustees retiring each year" in the third and fourth lines.

s. 39 (1),
amended

8. Subsection 1 of section 39 of the said Act is amended by striking out "one of whom shall retire each year" in the third line and by adding at the end thereof "for a term of two years".

s. 41,
repealed

9. Section 41 of the said Act is repealed.

s. 44 (4) (b, c),
repealed

10.—(1) Clauses *b* and *c* of subsection 4 of section 44 of the said Act are repealed.

s. 44 (4) (e),
amended

(2) Clause *e* of subsection 4 of the said section 44 is amended by striking out "*The Municipal Act* with respect to elections, except with respect to the nomination of candidates" in the first, second and third lines and inserting in lieu thereof "*The Municipal Elections Act, 1972*".

s. 46a,
enacted

11. The said Act is amended by adding thereto the following section:

Residents
other than
supporters
entitled to
vote
1953, c. 119
1972, c. 95

46a. Notwithstanding the provisions of this or any other Act including *The Metropolitan Separate School Board Act, 1953*, a Roman Catholic who is not an owner or tenant as defined in *The Municipal Elections Act, 1972* but who,

(a) is a Canadian citizen or other British subject;

(b) is of the full age of eighteen years; and

(c) resides within a separate school zone,

and who wishes to be a separate school elector at an election may cause his name to be entered on the preliminary list of electors of the polling subdivision in which he resides as a separate school elector, and for such purpose is entitled to be enumerated as such and to have entered opposite his name on the preliminary list of electors for the polling subdivision in which he resides that he is a separate school elector and, where the name of such person appears on the polling list, he shall be deemed to be a separate school elector for the purpose of voting at such election.

12. Section 48 of the said Act is repealed.

s. 48,
repealed

13. Clause *e* of subsection 1 of section 50 of the said Act is repealed.

s. 50 (1) (e),
repealed

14. Section 51 of the said Act is repealed.

s. 51,
repealed

15. Section 52 of the said Act is amended by adding thereto the following subsection:

s. 52,
amended

(6) Notwithstanding the provisions of subsections 3, 4 and 5, an urban separate school board or a combined separate school board that has passed a resolution under section 44 may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply.

Election
to fill
vacancy

1972, c. 95

16. Subsection 4 of section 53 of the said Act is repealed and the following substituted therefor:

s. 53 (4),
re-enacted

(4) Any person who, if he were resident in a separate school zone, would be entitled to be a supporter of a separate school and who is the owner of unoccupied land situate in the separate school zone, may, on or before the 30th day of September in any year, by written notice to the clerk of the municipality in which the land is situate or, where the land is not in a municipality, to the secretaries of the public and separate school boards, direct that all such land in

Rights of
non-residents
to be assessed
for separate
school

the separate school zone shall be assessed for the purposes of the separate school.

s. 60 (5),
amended

17. Subsection 5 of section 60 of the said Act is amended by striking out "assessor" in the first line and inserting in lieu thereof "clerk".

s. 61 (1),
amended

18. Subsection 1 of section 61 of the said Act is amended by striking out "assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll" in the second and third lines and inserting in lieu thereof "list supplied to the clerk under section 23 of *The Assessment Act* that through mistake or inadvertence a ratepayer has been entered on the list".

s. 63 (1),
amended

19. Subsection 1 of section 63 of the said Act is amended by striking out "Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant" in the first and second lines and inserting in lieu thereof "The occupant or tenant of land".

s. 64 (2),
amended

20.—(1) Subsection 2 of section 64 of the said Act is amended by striking out "assessor" in the first line and inserting in lieu thereof "clerk" and by striking out "assessment" in the second line and inserting in lieu thereof "collector's".

s. 64 (5),
amended

(2) Subsection 5 of the said section 64 is amended by striking out "an assessment" in the third and fourth lines and inserting in lieu thereof "a collector's".

s. 64 (6),
amended

(3) Subsection 6 of the said section 64 is amended by striking out "assessor shall in each year, before the return of the assessment roll" in the first and second lines and inserting in lieu thereof "clerk shall in each year, before the final revision of the list supplied to the clerk under section 23 of *The Assessment Act*".

s. 65,
amended

21. Section 65 of the said Act is amended by striking out "and" at the end of clause *c*, by adding "and" at the end of clause *d* and by adding thereto the following clause:

- (e) may provide for expenditures for permanent improvements and for an allocation to a reserve fund provided that, where separate school rates or taxes are collected by a municipal council, the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to

a reserve fund, shall not exceed a sum calculated at one mill in the dollar upon the total equalized assessment of the property rateable for separate school purposes within the area of jurisdiction of the board in the manner provided for public school purposes in respect of a divisional board of education in clause *d* of subsection 1 of section 31 of *The Secondary Schools and Boards of Education Act*, which clause shall apply *mutatis mutandis*. R.S.O. 1970,
c. 425

22. Subsection 1 of section 66 of the said Act is amended by inserting after “may” in the first line “in respect of the estimates adopted under section 65”. s. 66 (1),
amended

23. Section 70 of the said Act is amended by striking out “appearing upon the assessment roll for the current year who have given the notice required by section 53” in the fourth and fifth lines and inserting in lieu thereof “who are separate school supporters”. s. 70,
amended

24. Section 72 of the said Act is repealed. s. 72,
repealed

25. Subsection 5 of section 73 of the said Act is repealed and the following substituted therefor: s. 73 (5),
re-enacted

(5) Where the debt is not payable by instalments, the board shall levy in each year during the currency of the debt in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable. Sinking
fund

(5a) The sum referred to in subsection 5 shall be deposited with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*, and such sum and any income resulting therefrom shall be invested by such bank or trust company in the manner provided in *The Municipal Act* for sinking funds, and subsections 4 to 9 of section 291 of *The Municipal Act* apply *mutatis mutandis* except that reference therein to the Ministry of Treasury, Economics and Intergovernmental Affairs shall be deemed to be a reference to the Ministry of Education. Investment
of fund
R.S.O. 1970,
c. 254
R.S.O. 1970,
c. 284

26.—(1) Clause *j* of subsection 1 of section 80 of the said Act is repealed and the following substituted therefor: s. 80 (1) (j),
re-enacted

(j) “separate school supporter” in respect of an area for which one or more trustees of a county or district

1972, c. 95

combined separate school board are to be elected, means a separate school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election of such trustee or trustees in such area.

s. 80 (4),
amended

(2) Subsection 4 of the said section 80 is amended by striking out "and the County of York does not include the area municipalities as defined in *The Municipality of Metropolitan Toronto Act*" in the second, third and fourth lines.

s. 80 (7),
amended

(3) Subsection 7 of the said section 80 is amended by striking out "the preparation of a voters' list and the election of members of a district combined separate school board under *The Municipal Act* and *The Voters' Lists Act*, which apply *mutatis mutandis*" in the ninth, tenth, eleventh and twelfth lines and inserting in lieu thereof "the election of members of a district combined separate school board under *The Municipal Elections Act, 1972*".

s. 81 (3),
amended

27. Subsection 3 of section 81 of the said Act is amended by inserting after "21" in the second line "or 22".

ss. 81a, 81b,
enacted

28. The said Act is amended by adding thereto the following sections:

Meeting to
establish
separate
school in
designated
areas

81a.—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within one former school section in an area designated by the regulations made under subsection 2 of section 81, may convene a public meeting of persons desiring to establish a separate school zone in such section.

Establishment
of zone

(2) Where such a meeting is held, the persons present,

- (a) shall elect a chairman and a secretary for the meeting;
- (b) may pass a motion to establish a new separate school zone, in which case they shall determine the centre of the zone; and
- (c) where such a motion is passed and a centre determined, shall require the chairman to send a copy of the motion to,

(i) the Minister,

(ii) the secretary of the county or district combined separate school board,

(iii) the secretary of the divisional board of education affected, and

(iv) the appropriate municipal assessor,

and the zone so established shall forthwith become a part of the county or district combined separate school zone.

- (3) Notwithstanding section 18, no trustees shall be elected at the meeting. Trustees not elected at meeting

81b.—(1) Where a school site that is acquired by a county or district combined separate school board is not within the county or district combined separate school zone and the board operates a separate school on such site, a separate school zone having its centre as provided in subsection 2 of section 54 is deemed to have been established under subsection 2 of section 81a on the date on which final approval in respect of the construction or purchase of the school is given by the Minister for purposes of legislative grant. Zone deemed formed

- (2) A separate school board under this Part may, with the approval of the Minister, acquire by purchase or lease a school site that is outside the area designated in respect of such board by regulation made under subsection 2 of section 81, and may operate thereon a separate school, but a separate school board shall not expropriate any such site. School outside designated area

- (3) Notwithstanding section 54, the operation of a separate school on a school site acquired under subsection 2 does not, *ipso facto*, establish a separate school zone with a centre at such site. Zone not established

29. Subsection 2 of section 85 of the said Act is repealed and the following substituted therefor: s. 85 (2), re-enacted

- (2) A county combined separate school board that has jurisdiction in an area that includes two or more counties, or one county and a defined city as defined in subsection 1 of section 27 of *The Secondary Schools and Boards of Education Act*, is a corporation by the name of "The County Roman Catholic Separate School Board" (*inserting the names of the counties, the name of the city and of the county or a name selected by the board and approved by the Minister*). Name of county combined board
R.S.O. 1970,
c. 425

s. 90 (1) (a),
re-enacted

30.—(1) Clause *a* of subsection 1 of section 90 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 64, subsection 2, is repealed and the following substituted therefor:

(a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause *b*, as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 90,
amended

(2) The said section 90 is amended by adding thereto the following subsections:

Distribution
of members
within
combined
municipalities

(8a) Where two or more county municipalities that are not in a regional municipality are combined under subsection 8 for the election of two or more trustees and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may, before the 15th day of September in any year in which a determination is made under subsection 8, determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two trustees and, where the clerks of such combined municipalities so determine,

(a) the number of trustees to be elected in the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of the county municipality, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in each such combined area and in the remainder, if any, of the county municipality, bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities; and

(b) where the remainder of the county municipality is to be represented by two or more trustees, subsections 17 and 18 shall apply *mutatis mutandis* in respect of such remainder.

Appeal from
determination
under subs. 8a

(8b) Where the determination made under subsection 8a apportions to a combined area or to the remainder

of a county municipality a percentage of the total number of trustees to be elected in the combined municipalities as determined under subsection 8 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the combined area or in the remainder of the county municipality, as the case may be, is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after notice of such determination has been sent, appeal the determination to the judge who shall either reapportion the number of trustees in accordance with clause *a* of subsection 8*a* or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final.

(3) Subsection 10 of the said section 90 is amended by <sup>s. 90 (10),
amended</sup> inserting after "the" where it occurs the second time in the fifth line "county".

(4) Subsection 19 of the said section 90 is repealed and <sup>s. 90 (19),
re-enacted</sup> the following substituted therefor:

(19) Where two or more county or district municipalities are combined for the election of one or more trustees, such trustee or trustees shall, except where a determination is made under subsection 8*a*, be elected by a general vote of the separate school supporters of the combined municipalities, and where, under subsection 8*a* or 8*b*, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two trustees, such trustee or trustees shall be elected by a general vote of the separate school supporters of such combined area, and <sup>Elections
in combined
areas</sup>

(*a*) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the trustee or trustees are to be elected, who shall send to the clerk of each municipality concerned, by registered mail

within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

s. 90 (21),
re-enacted,
s. 90 (22-26),
repealed

(5) Subsections 21 to 26 of the said section 90 are repealed and the following substituted therefor:

Elections

- (21) The election of members of a county or district combined separate school board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

s. 91,
amended

31. Section 91 of the said Act is amended by adding thereto the following subsection:

Election
to fill
vacancy

- (6) Notwithstanding subsection 5, a separate school board under this Part may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply.

1972, c. 95

s. 93 (1),
amended

32.—(1) Subsection 1 of section 93 of the said Act is amended by adding at the end thereof “for a supervisory officer”.

s. 93 (2),
amended

(2) Subsection 2 of the said section 93 is amended by adding at the end thereof “for a supervisory officer”.

Commence-
ment

33.—(1) This Act, except section 21, comes into force on the day it receives Royal Assent.

Idem

(2) Section 21 comes into force on the 1st day of January, 1973.

Short title

34. This Act may be cited as *The Separate Schools Amendment Act, 1972*.

CHAPTER 77

An Act to amend The Schools Administration Act

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph i of paragraph 1a of subsection 2 of section 1 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 90, section 1, subsection 1, is amended by striking out “and” at the end of sub-subparagraphs c and d and by adding thereto the following sub-subparagraphs: s. 1 (2), par. 1a,
subpar. i,
amended

- e. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.06 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in each of the months of January and April, and
- f. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.08 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in September, and

.

(2) Paragraph 5 of subsection 2 of the said section 1 is s. 1 (2), par. 5,
repealed repealed.

(3) Subsection 2 of the said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following paragraphs: s. 1 (2),
amended

11a. "head office" of a board means the place at which the minute book, financial statements and records, current accounts and seal of the board are ordinarily kept;

.

12a. "judge" means the judge of the county or district court of the county or district in which the head office of the board is situate.

s. 1 (2),
par. 34,
re-enacted

(4) Paragraph 34 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

34. "supervisory officer" means a teacher who is qualified in accordance with the regulations governing supervisory officers and who is employed by a board or by the Ministry to perform in schools operated by a board such supervisory and administrative duties as are required by this Act, the regulations, the board and the Minister.

s. 1 (2),
amended

(5) Subsection 2 of the said section 1 is amended by adding thereto the following paragraph:

40. "voters' list" or "revised voters' list" means a polling list as defined by *The Municipal Elections Act, 1972*.

1972, c. 95

s. 1,
amended

(6) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following subsection:

Authority or
obligation of
parent vested
in pupil of
18 years of age

(3) Where any authority is vested in, or any obligation is imposed upon, or any reimbursement may be made to, a parent or guardian of a pupil, such authority or obligation or reimbursement shall, where the pupil has attained the age of eighteen years, be vested in or imposed upon or made to the pupil, as the case may be.

s. 4, par. 2,
repealed

2.—(1) Paragraph 2 of section 4 of the said Act is repealed.

s. 4, par. 4,
re-enacted

(2) Paragraph 4 of the said section 4 is repealed and the following substituted therefor:

4. One day in a school year as approved by the director of education, the superintendent of separate schools or the appropriate supervisory officer for an educational conference.

(3) The said section 4 is amended by adding thereto the ^{s. 4,} amended following subsection:

- (2) Where the head of the council of a municipality in ^{Closing of schools on} which a school is situate proclaims a school day as a civic holiday for the municipality, the board may, by resolution, close any of the schools under its jurisdiction on such day.

3. Clause *a* of subsection 2 of section 6 of the said Act is ^{s. 6 (2) (a),} amended by striking out "in the opinion of the Minister" in the first line.

4. Subsections 2 and 3 of section 7 of the said Act are ^{s. 7 (2),} repealed and the following substituted therefor: ^{re-enacted;}
^{s. 7 (3),}
^{repealed}

- (2) Where the parent or guardian of a child considers ^{Inquiry by provincial} that the child is excused from attendance at school ^{counsellor} under subsection 2 of section 6, and the appropriate school attendance counsellor or the provincial school attendance counsellor is of the opinion that the child should not be excused from attendance, the provincial school attendance counsellor shall direct that an inquiry be made as to the validity of the reason or excuse for non-attendance and the other relevant circumstances, and for such purpose shall appoint one or more persons who are not employees of the board that operates the school that the child has the right to attend to conduct a hearing and to report to him the result of the inquiry and may, by order in writing signed by him, direct that the child,

(a) be excused from attendance at school; or

(b) attend school,

and a copy of the order shall be delivered to the board and to the parent or guardian of the child.

5.—(1) Subsection 1 of section 10 of the said Act is repealed ^{s. 10 (1),} and the following substituted therefor: ^{re-enacted}

- (1) Where a school attendance counsellor has reasonable ^{Powers of} and probable grounds for believing that a child is ^{counsellors} illegally absent from school, he may, at the written request of the parent or guardian of the child or of the principal of the school that the child is required to attend, take the child to his parent or guardian or to the school from which he is absent provided that, if exception is taken to his entering a dwelling place, he shall not enter therein without a warrant.

s. 10 (2),
amended

(2) Subsection 2 of the said section 10 is amended by striking out “and annually to the provincial school attendance counsellor, on the prescribed forms” in the second and third lines.

s. 10 (4),
amended

(3) Subsection 4 of the said section 10 is amended by adding at the end thereof “and shall advise the parent or guardian in writing of the provisions of subsection 2 of section 7”.

s. 11,
amended

6. Section 11 of the said Act is amended by striking out “children” in the first line and inserting in lieu thereof “persons”.

s. 14 (3),
amended

7.—(1) Subsection 3 of section 14 of the said Act is amended by striking out “a child of compulsory school age during school hours” in the first and second lines and inserting in lieu thereof “during school hours a child who is required to attend school under section 6”.

s. 14 (5),
amended

(2) Subsection 5 of the said section 14 is amended by striking out “A child of compulsory school age who is habitually absent from school without being legally excused” in the first and second lines and inserting in lieu thereof “A child who is required by law to attend school and who refuses to attend or who is habitually absent from school”.

s. 14,
amended

(3) The said section 14 is amended by adding thereto the following subsection:

Reference
to provincial
counsellor for
inquiry

(7) Where, in proceedings under this section, it appears to a provincial judge that the child may have been excused from attendance at school under subsection 2 of section 6, the provincial judge may refer the matter to the provincial school attendance counsellor who shall direct that an inquiry shall be made as provided in subsection 2 of section 7, which subsection shall apply *mutatis mutandis* except that the provincial school attendance counsellor shall, in lieu of making an order, submit a report to the provincial judge.

s. 15,
amended

8. Section 15 of the said Act is amended by adding thereto the following subsection:

Order re
school
attendance

(4) An order made under subsection 2 of section 7 shall be admitted in evidence in a prosecution only where the prosecution is in respect of the school year for which the order was made.

s. 16 (8),
re-enacted

9. Subsection 8 of section 16 of the said Act is repealed and the following substituted therefor:

- (8) A teacher is entitled to his salary notwithstanding his absence from duty by reason of a summons to serve as a juror, or a subpoena as a witness in any proceeding to which he is not a party or one of the persons charged, provided that the teacher pays to the board any fee exclusive of travelling allowances and living expenses, that he receives as a juror or as a witness.

10. Subsection 2 of section 18 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out "British subject" in the second and third lines and inserting in lieu thereof "person".

11. Section 19 of the said Act is repealed.

s. 19,
repealed

12. Section 20 of the said Act is repealed and the followings substituted therefor:

s. 20,
re-enacted

20. A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any school property in his possession forfeits any claim that he may have against the board.

Refusal to
give up
school
property

13.—(1) Subsection 1 of section 21 of the said Act is amended by striking out "and" at the end of clause *i*, by adding "and" at the end of clause *j* and by adding thereto the following clause:

s. 21 (1),
amended

- (*k*) to use and permit to be used as a text-book in a class that he teaches in an elementary or a secondary school,
- (i) in a subject area for which text-books are approved by the Minister, only text-books that are approved by the Minister, and
- (ii) in all subject areas, only text-books that are approved by the board.

text-books

(2) Clauses *b* and *c* of subsection 2 of the said section 21 are repealed and the following substituted therefor:

s. 21 (2) (*b, c*),
re-enacted

- (*b*) to register the pupils and to ensure that the attendance of pupils for every school day is recorded either in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister;

register
pupils
and
record
attendance

pupil
records

- (c) to establish and maintain, and to retain, transfer and dispose of, in the manner prescribed by the regulations, a record in respect of each pupil enrolled in the school.

s. 21 (2) (g),
re-enacted

- (3) Clause g of subsection 2 of the said section 21 is repealed and the following substituted therefor:

text-books

- (g) to ensure that all text-books used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves text-books, those approved by the Minister.

s. 21a,
enacted

- 14.** The said Act is amended by adding thereto the following section:

Interpre-
tation

- 21a.**—(1) In this section, except in subsection 12, “record” in respect of a pupil means a record maintained or retained by the principal of a school in accordance with the regulations.

Pupil records
privileged

- (2) A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record,

(a) subject to subsections 3 and 5 is not available to any other person; and

(b) except for the purposes of subsection 5, is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil has attained the age of eighteen years, the written permission of the pupil.

Right of
parent or
pupil

- (3) A pupil, and his parent or guardian where the pupil has not attained the age of eighteen years, is entitled to examine the record of such pupil.

Idem

- (4) Where, in the opinion of a pupil who has attained the age of eighteen years, or of the parent or guardian of a pupil who has not attained such age, information recorded upon the record of the pupil is,

- (a) inaccurately recorded; or
- (b) not conducive to the improvement of instruction of the pupil,

such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record.

- (5) Where the principal refuses to comply with a request under subsection 4 and the pupil, parent or guardian who made the request does not agree with such refusal, the matter in disagreement shall be referred to the appropriate supervisory officer who shall forthwith submit the record and a statement of the disagreement to a person designated by the Minister, and such person shall, after affording the principal and the pupil, parent or guardian who made the request an opportunity to be heard, decide the matter and communicate the decision to the parties concerned, and such decision is binding upon the principal and the pupil or other person who made the request.
- (6) Nothing in subsection 2 prohibits the use by the principal of the record in respect of a pupil to assist in the preparation of a report,
 - (a) for an educational institution or for the pupil or former pupil, in respect of an application for further education; or
 - (b) for the pupil or former pupil in respect of an application for employment,

where a written request is made by the former pupil, the pupil where he has attained the age of eighteen years, or the parent or guardian of the pupil where the pupil has not attained the age of eighteen years.

- (7) Nothing in this section prevents the compilation and delivery of such information as may be required by the Minister or by the board.
- (8) No action shall be brought against any person in respect of the content of a record.
- (9) Except where the record has been introduced in evidence as provided in this section, no person shall

be required in any trial or other proceeding to give evidence in respect of the content of a record.

Secrecy re
contents

- (10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except,
- (a) as may be required in the performance of his duties; or
 - (b) with the written consent of the parent or guardian of the pupil where the pupil has not attained the age of eighteen years; or
 - (c) with the written consent of the pupil where the pupil has attained the age of eighteen years.

Interpre-
tation

- (11) For the purposes of this section, "guardian" includes a person, society or corporation who or that has custody of a pupil.

Application
to former
records

- (12) This section, except subsections 3, 4 and 5, applies *mutatis mutandis* to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the coming into force of this section.

s. 29,
amended

15. Section 29 of the said Act is amended by adding thereto the following subsection:

New Board of
Reference
where report
set aside

- (3) Where the entire report or the determination of the Board of Reference is set aside upon a judicial review of the jurisdiction of the Board of Reference, the Minister may grant a new Board of Reference if the board or teacher applies therefor to the Minister by registered mail within fifteen days after the date of the order of the court setting aside the report, and the provisions of this Part apply *mutatis mutandis* in respect of the new Board of Reference.

s. 30 (2),
amended

16. Subsection 2 of section 30 of the said Act is amended by striking out "any" in the second line and inserting in lieu thereof "the Minister may direct that any portion of the".

s. 33, par. 6,
re-enacted

17.—(1) Paragraph 6 of section 33 of the said Act is repealed and the following substituted therefor:

insurance

6. make provision for insuring adequately the buildings and equipment of the board and for insuring the

board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

(2) The said section 33 is amended by adding thereto the ^{s. 33, amended} following paragraph:

12. establish and maintain a head office and notify the ^{head office} Ministry of its location and address and notify the Ministry of any change in the location or address of the head office within ten days of such change.

18.—(1) Paragraph 2 of section 34 of the said Act is ^{s. 34, par. 2, re-enacted} repealed and the following substituted therefor:

2. appoint and remove such officers and servants and, ^{appoint employees} subject to Parts II and III, appoint and remove such teachers, as it considers expedient, determine the terms on which such officers, servants and teachers are to be employed, and fix their salaries and prescribe their duties.

(2) The said section 34, as amended by the Statutes of ^{s. 34, amended} Ontario, 1971, chapter 90, section 5, is further amended by adding thereto the following paragraph:

- 2a. permit a principal to assign to a person who volun- ^{voluntary assistants} teers to serve without remuneration such duties in respect of the school as are approved by the board and to terminate such assignment.

(3) Paragraphs 6 and 7 of the said section 34 are repealed. ^{s. 34, pars. 6, 7, repealed}

(4) Paragraph 19 of the said section 34 is repealed. ^{s. 34, par. 19, repealed}

(5) Paragraph 37 of the said section 34 is repealed and the ^{s. 34, par. 37, re-enacted} following substituted therefor:

37. institute a program of records management that will, ^{records management} subject to the regulations in respect of pupil records,
 - i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by the board to have enduring value or to be of historical interest, and

- ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use.

s. 34,
amended

(6) The said section 34 is further amended by adding thereto the following paragraph:

programs in
detention
homes

R.S.O. 1970,
c. 369

38a. employ and pay teachers to conduct an education program in a juvenile detention and observation home as defined in *The Provincial Courts Act*, provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith.

s. 34, par. 44,
repealed

(7) Paragraph 44 of the said section 34 is repealed.

s. 34,
amended

(8) The said section 34 is further amended by adding thereto the following paragraph:

signatures
on cheques

46. provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

s. 36,
re-enacted

19. Section 36 of the said Act is repealed and the following substituted therefor:

Agreements
to provide
accommodation
or services
for another
board

36.—(1) A board may, subject to subsection 2, enter into an agreement with another board to provide, for the other board for such periods and under such conditions as are specified in the agreement,

- (a) accommodation for administrative purposes;
- (b) accommodation for instructional purposes; or
- (c) the services of teachers and other personnel,

that the board, by this Act or the Act under which it is established, is authorized or required to provide for its own pupils.

Where,
building,
additions,
etc., required

(2) Where the building of a school building or an addition, alteration or improvement to a school building is required under an agreement made under subsection 1, the agreement shall make provision for the

payment of the cost of such building, addition, alteration or improvement and is not effective until approved by the Minister.

20. The said Act is amended by adding thereto the following ^{s. 36a,} section: ^{enacted}

36a.—(1) In this section,

Interpre-
tation

- (a) “board” includes The Metropolitan Toronto School Board;
- (b) “municipality” includes a county and a district, metropolitan or regional municipality and a local board of a municipality or county or of a district, metropolitan or regional municipality, except a school board.
- (2) One or more boards and the council of a municipality ^{Agreements} or the councils of two or more municipalities may ^{for joint use} enter into an agreement, ^{of facilities,} ^{etc.}
 - (a) in respect of the use of existing facilities owned by one of such parties; or
 - (b) for the purpose of establishing and providing for the maintenance and operation of facilities on the property of any of the parties to such agreement,for such cultural, recreational, athletic, educational, administrative or other community purposes as are set out in the agreement, and such agreement shall include provision for,
 - (c) the acquisition of any land that may be required for the purposes of the agreement, and the manner of approving and the method of apportioning the cost thereof;
 - (d) the manner of approving and the method of apportioning the cost of the construction, maintenance and operation of the facilities;
 - (e) the manner in which each party to the agreement shall pay its portion of the costs referred to in clauses *c* and *d* and the times when such costs shall be paid;
 - (f) the regulation, control and use of the facilities including the charging of fees for admission thereto; and

- (g) the duration of the agreement and the manner in which and the terms upon which it may be terminated.

Approval of
Minister

- (3) Where pursuant to an agreement made under this section a permanent improvement is required, it shall not be proceeded with until the plans and specifications therefor have been approved by the Minister.

Present
agreements

- (4) This section does not affect an agreement entered into before the coming into force of this section,

R.S.O. 1970,
c. 295

- (a) under subsection 2 of section 143 of *The Municipality of Metropolitan Toronto Act*; or
- (b) between a board and the council of a municipality, including a regional municipality or a county, or a local board thereof, for fulfilling, executing or completing, at their joint expense or at the expense of either of the parties to the agreement, any undertaking for the joint benefit of the parties to the agreement, including the joint use of educational and municipal facilities,

but after the coming into force of this section an amendment to an agreement referred to in clause *a* or *b* or an agreement to which the said subsection 2 of section 143 applies may be made only in accordance with this section.

s. 37 (3),
re-enacted

21. Subsection 3 of section 37 of the said Act is repealed and the following substituted therefor:

Appointment
of represent-
ative of
Indian pupils

- (3) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection 4, name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection 5, appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,
- (a) where the agreement or agreements under this section are in respect of secondary school

pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively; and

- (b) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion that affects secondary schools exclusively.
- (4) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined separate school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection 3, and the provisions of subsection 3 apply *mutatis mutandis* in respect of such persons. Additional represent-
ative
- (5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board pursuant to one or more such agreements is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100, the appointment under subsection 3 may be made at the discretion of the board. Where appoint-
ment in
discretion
of board
- (6) Where the agreement is, or the agreements are, in respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections 4 and 5 shall be that of elementary school pupils only or secondary school pupils only, as the case may be. Enrolment
- (7) A member of the board appointed under subsection 3, 4 or 5 is in addition to the number of members of the board provided for in *The Public Schools Act*, *The Secondary Schools and Boards of Education Act* or *The Separate Schools Act*, as the case may be, and the term of office of such member terminates on the same date as the term of office of the elected members. Appointed
members in
addition to
elected
member
R.S.O. 1970,
cc. 385, 425,
430

22. Subsection 4 of section 40 of the said Act is repealed. s. 40 (4),
repealed

23. Subsection 1 of section 43 of the said Act is repealed and the following substituted therefor: s. 43 (1),
re-enacted

Pensions

- (1) A board, by resolution, may provide pensions for employees or any class thereof under the provisions of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,
c. 324

Idem

- (1a) Notwithstanding subsection 1, a board that makes contributions to an approved pension plan, as defined in subsection 1 of section 250 of *The Municipal Act*, may continue to provide pensions under such plan, and the provisions of the said section 250 apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

s. 46,
re-enacted

24. Section 46 of the said Act is repealed and the following substituted therefor:

Insurance,
hospital and
health
services
1972, c. 91

46.—(1) Subject to *The Health Insurance Act, 1972* a board by resolution may provide,

- (a) by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

(i) group life insurance for its employees or any class thereof,

(ii) group accident insurance or group sickness insurance for its employees or any class thereof and their spouses and children, and

(iii) hospital, medical, surgical, nursing or dental services, or payment therefor, for employees or any class thereof and their spouses and children; and

- (b) for payment by the board of the whole or part of the cost of any insurance or services provided under this subsection.

Contributions
reinsured
services

- (2) A board may by resolution provide for paying the whole or part of the cost to employees of insured services under *The Health Insurance Act, 1972*.

s. 54,
amended

25. Section 54 of the said Act is amended by inserting after “hours” in the first line “at the head office of the board”.

s. 55,
re-enacted
s. 56,
repealed

26. Sections 55 and 56 of the said Act are repealed and the following substituted therefor:

Employee
disqualified

55. An employee of a board is not eligible to be elected a member of the board by which he is employed or entitled to sit or vote therein.

s. 61,
re-enacted;
s. 62,
repealed

27. Sections 61 and 62 of the said Act are repealed and the following substituted therefor:

- 61.—(1) Subject to the provisions of *The Separate Schools Act* as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction or, in the case of a county or district combined separate school board, a school site that is within the area designated in respect of such board by regulation made under subsection 2 of section 81 of *The Separate Schools Act*,^{R.S.O. 1970, c. 430} and that is described in a resolution of the board.
- (2) A public school board, board of education or secondary school board may, with the approval of the Minister, acquire by purchase or lease a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school therein, but the board shall not expropriate any such site.^{Purchase or lease of site in adjoining jurisdiction}
- (3) Subject to section 63, a board may build school buildings on school sites owned by the board.^{Buildings on school sites owned by board}
- (4) A board may build school buildings on property that is leased by the board where the lease is for a term satisfactory to the Minister and where such property is exempt from taxation under paragraph 1, 4, 5, 6 or 9 of section 3 of *The Assessment Act*^{R.S.O. 1970, c. 32} or is property owned by a district, metropolitan or regional municipality or a local board thereof.
- (5) A board may, with the approval of the Minister, make an addition, alteration or improvement to a school building that is acquired by the board under a lease.^{Additions or alterations}

28. Section 63 of the said Act is repealed and the following substituted therefor:^{s. 63, re-enacted}

63. Where a board plans to provide, other than by way of a lease, accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall obtain the prior approval of the Minister to enter into negotiations with a person, other than a board or a municipality, in respect of the provision of such accommodation, and an agreement for such purpose may be entered into with such person only after the proposed agreement, the plans of the school and of the building of which it may be a part and the site have been approved by the Minister.^{Agreement for multi-use building}

s. 64,
re-enacted

29. Section 64 of the said Act is repealed and the following substituted therefor:

Acquisition
of land for
natural
science
programs

64.—(1) A board may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs as the board may direct, and for such purposes may, with the approval of the Minister, build and operate the necessary facilities.

Agreements
between
boards

(2) Two or more boards may enter into an agreement for a specified period whereby one of the boards may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs and, for such purposes, such board may, with the approval of the Minister, build and operate the necessary facilities.

Taxation

(3) All land acquired by a board under subsection 1 or 2, so long as it is held by the board and is not situated,

(a) within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection 2; or

(b) in the case of a separate school board within the area designated in respect of such board by regulation made under subsection 2 of section 81 of *The Separate Schools Act*,

R.S.O. 1970,
c. 430

is subject to taxation for municipal and school purposes in the municipality in which it is situate.

Agreements
with con-
servation
authorities,
etc.

(4) A board may enter into an agreement with a conservation or other appropriate authority under which the board may, with the approval of the Minister, construct and maintain on lands owned by the authority the necessary facilities for the purpose of conducting a natural science program or other out-of-classroom program.

Idem

(5) A board that conducts a natural science, conservation or other out-of-classroom program may enter into an agreement with a conservation or other appropriate authority for the use of the facilities and personnel of such authority for the purpose of conducting such a program as directed by the board.

30. Subclause iv of clause *i* of subsection 1 of section 70 of the said Act is repealed. <sup>s. 70 (1) (i) (iv),
repealed</sup>

31. Subsection 1 of section 71 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 9, is further amended by inserting after "bank" in the fourth line "or from a trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*". <sup>s. 71 (1),
amended</sup>

32.—(1) Section 72 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 10, is further amended by adding thereto the following subsections: <sup>s. 72,
amended</sup>

(2) Subject to subsection 2*a*, where a board provides for a pupil whose fee is receivable from another board, from Canada or from Ontario, education in a secondary school program that includes high-cost courses that qualify in a school year for three or more credits toward the Secondary School Graduation Diploma, the fee shall be determined by multiplying the fee calculated under subsection 1 by a factor to be agreed upon between the boards or parties concerned. <sup>Fees from
another board
re high-cost
courses</sup>

(2*a*) Subsection 2 shall not apply where education is provided for all the secondary school pupils from a specified area, <sup>Where subs. 2
not to apply</sup>

(*a*) under section 43 of *The Secondary Schools and Boards of Education Act*; or <sup>R.S.O. 1970,
c. 425</sup>

(*b*) pursuant to an agreement made under subsection 1 of section 60 of *The Secondary Schools and Boards of Education Act*.

(2*b*) Where a question arises between the boards or parties concerned as to the application of subsection 2 to the fee in respect of a pupil, such question shall be submitted to a board of arbitration of three arbitrators, one arbitrator appointed by each board or party concerned and a third appointed by the Minister, and the decision of the arbitrators or a majority of them is binding upon the boards or parties and is final. <sup>Dispute as
to application
of subs. 2</sup>

(2) Subsection 3*a* of the said section 72, as enacted by the Statutes of Ontario, 1971, chapter 90, section 10, subsection 5, is amended by striking out "subsection 3" in the third line and inserting in lieu thereof "subsections 3 and 7". <sup>s. 72 (3*a*),
amended</sup>

s. 72,
amended

(3) The said section 72 is further amended by adding thereto the following subsections:

Pupil whose
parent not
Ontario
resident

- (6) Notwithstanding subsection 4, where a board provides instruction for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

Idem

- (7) Notwithstanding clause *b* of subsection 3, where a board provides instruction in a special education class for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one.

s. 73,
amended

33. Section 73 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 11, is further amended by adding thereto the following subsection:

Where
difference
not dealt
with under
subss. 2, 3.

- (4) Where a difference referred to in subsection 2 was not dealt with by a board in accordance with subsection 2 or 3 before the 1st day of January, 1972, such difference shall be dealt with by the board as if it had been first ascertained in the year 1972.

s. 85 (2),
re-enacted

34.—(1) Subsection 2 of section 85 of the said Act is repealed and the following substituted therefor:

Separate
school
board

- (2) In the case of a separate school board,
- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommend, the board shall appoint to the committee one person selected by the Council or Councils;

- (b) where the Federation des Associations de Parents et Instituteurs de langue francaise de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (c) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*.

(2) Subsection 3 of the said section 85 is amended by <sup>s. 85 (3),
amended</sup> striking out "and" at the end of clause *b*, by striking out clause *c* and by inserting in lieu thereof the following:

- (c) where the Federation des Associations de Parents et Instituteurs de langue francaise de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (d) where no appointment is made under any two of clauses *a*, *b* or *c*, two members may be appointed under the remaining clause.

35. Subsection 1 of section 102 of the said Act is amended <sup>s. 102 (1),
amended</sup> by striking out "*The Public Schools Act*" in the first line.

36.—(1) This Act, except subsection 1 of section 1, sub-<sup>Commence-
ment</sup> section 2 of section 7, section 14, subsection 1 of section 17, subsections 4 and 6 of section 18 and sections 19, 21, 22, 24, 26, 32, 33 and 34, comes into force on the day it receives Royal Assent.

(2) Subsection 6 of section 18 and sections 19 and 33 shall ^{Idem} be deemed to have come into force on the 1st day of January, 1972.

(3) Subsection 1 of section 1, subsection 2 of section 7, ^{Idem} section 14 and subsections 2 and 3 of section 32 come into force on the 1st day of September, 1972.

Idem

(4) Subsection 1 of section 17, subsection 4 of section 18, sections 21, 22 and 24, subsection 1 of section 32 and section 34 come into force on the 1st day of January, 1973.

Idem

(5) Section 26 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

37. This Act may be cited as *The Schools Administration Amendment Act, 1972*.

CHAPTER 78

**An Act to amend
The Regional Municipality of York Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 1 of section 2 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by striking out “township” in the third line and inserting in lieu thereof “town”. s. 2 (1) (h),
amended

(2) Clause *i* of subsection 1 of the said section 2 is amended by striking out “township” in the third and fourth lines and inserting in lieu thereof “town”. s. 2 (1) (i),
amended

2. Subsection 3 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) For the purposes of the elections of the councils of the area municipalities for the years 1973 and 1974, the Minister may, by order, Elections
1972

(a) divide or redivide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards; and

(b) provide for such other matters as he considers necessary to hold the elections,

and where the Minister has divided or redivided an area municipality into wards, such division or re-division shall remain in effect until altered by the Municipal Board and the Municipal Board may divide or redivide any area municipality into wards in accordance with the provisions of section 13 of *The Municipal Act*. R.S.O. 1970,
c. 284

s. 27a,
enacted

3. The said Act is amended by adding thereto the following section:

Construction,
etc., of
waterworks
system

27a.—(1) The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith.

Special
benefit

(2) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a waterworks system, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of a waterworks system and at any time in respect of the assumption of a waterworks system by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(3) When an area municipality receives a special benefit by the extension or improvement of a waterworks system and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such waterworks system among all the area municipalities which receive a special benefit therefrom.

Payments

(4) Where any debt is incurred for the cost of a waterworks system, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of
money by
area munici-
pality

(5) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing water rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the waterworks system had

been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the waterworks system there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the waterworks system a water rate sufficient to pay for the whole or a portion or percentage of the capital cost of the waterworks system.

4. Subsection 6 of section 28 of the said Act is repealed and the following substituted therefor: s. 28 (6), re-enacted

- (6) If the Regional Corporation fails to make any payment Default on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

5. Subsection 2 of section 42 of the said Act is amended by striking out “not exceeding one-half of 1 per cent for each month or fraction thereof” in the fourth and fifth lines and inserting in lieu thereof “of 12 per cent per annum, or such lower rate as the Regional Council determines”. s. 42 (2), amended

6. Subsection 6 of section 50 of the said Act is repealed and the following substituted therefor: s. 50 (6), re-enacted

- (6) If the Regional Corporation fails to make any Default payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

7. Subsection 1 of section 54 of the said Act is amended by inserting after “Corporation” in the ninth line “the whole or”. s. 54 (1), amended

8. Subsection 2 of section 70 of the said Act is amended by adding at the end thereof “expressed by resolution”. s. 70 (2), amended

9. Subsection 3 of section 85 of the said Act is repealed and the following substituted therefor: s. 85 (3), re-enacted

- (3) If the Regional Corporation fails to make any payment Default on or before the due date required by subsection 2, the area municipality may charge the

Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 95,
amended

10. Section 95 of the said Act is amended by adding thereto the following subsection:

Name of
board

(1a) The board of health of the health unit established under section 94 shall be known as The York Regional Board of Health.

s. 109 (6),
re-enacted

11. Subsection 6 of section 109 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 112a,
enacted

12. The said Act is amended by adding thereto the following section:

Interpre-
tation

112a. In sections 114, 115 and 117, "Ministry" means the Ministry of Revenue.

s. 113,
amended

13. Section 113 of the said Act is amended by adding thereto the following subsection:

Application
of R.S.O. 1970,
cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 122,
amended

14. Section 122 of the said Act is amended by adding thereto the following subsection:

Appointment
of
arbitrator

(9) The Minister may, on or before the 30th day of June, 1972, appoint an arbitrator to determine any outstanding dispute respecting the disposition of any assets and liabilities between the Township of East Gwillimbury and the Town of Newmarket, and the arbitrator so appointed shall recommend to the Minister the determination to be made and the decision of the Minister is final.

s. 125 (1),
amended

15. Subsection 1 of section 125 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

16. Subsection 2 of section 129 of the said Act is repealed ^{s. 129 (2),} and the following substituted therefor: ^{re-enacted}

- (2) When the Municipal Board has authorized the borrow- ^{Idem}
ing of money and the issue of debentures by the
Regional Corporation for the purposes of an area
municipality, the Regional Council or the council of
the area municipality pending the issue and sale of
the debentures may, and the Regional Council on the
request of the area municipality shall, agree with a
bank or person for temporary advances from time to
time to meet expenditures incurred for the purposes
authorized, and the Regional Council may, or on the
request of the area municipality shall, pending the
sale of such debentures or in lieu of selling them,
authorize the chairman and financial officer to raise
money by way of loan on the debentures and to
hypothecate them for the loan, and shall transfer the
proceeds of such advance or loan to the area
municipality.

17.—(1) Section 130 of the said Act is amended by adding ^{s. 130,} thereto the following subsections: ^{amended}

- (6a) Notwithstanding subsection 5, the Regional Council ^{Instalment}
may by by-law, ^{debentures}
^{and}
^{debentures}
^{to refund}
^{existing}
^{debentures}
^{at maturity}
- (a) authorize the borrowing of money by the issue
of instalment debentures, the last instalment
of which shall mature not earlier than ten
years after the date upon which they are issued,
and a specified sum of principal payable there-
under in the final year shall be raised by the
issue of refunding debentures as provided in
clause *b*, and it shall not be necessary to raise
by special rate in the year of maturity of the
debentures to be refunded an amount equal
to the specified principal amount of the deben-
tures which are being refunded; and
- (b) authorize the issue of debentures to refund at
maturity outstanding debentures of the munici-
pality, provided that the refunding debentures
shall be payable within the maximum period
of years that was approved by the order of
the Municipal Board for the repayment of
debentures issued for the debt for which the
outstanding debentures were issued, com-
mencing on the date of the debentures origi-
nally issued for such debt,

and any such by-law shall provide that the sums of

principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

- (6*b*) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6*a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6*a*, and any levy imposed by a by-law under clause *b* of subsection 6*a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6*a* was levied.

s. 130 (18),
amended

- (2) Subsection 18 of the said section 130 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

- (*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

s. 130 (19),
amended

- (3) Subsection 19 of the said section 130 is amended by inserting after "Britain" in the third line "or in any currency other than that of Canada".

s. 130 (20),
amended

- (4) Subsection 20 of the said section 130 is amended by striking out " $3\frac{1}{2}$ " in the third line and inserting in lieu thereof "5".

s. 130 (22, 23),
re-enacted

- (5) Subsections 22 and 23 of the said section 130 are repealed and the following substituted therefor:

Sinking
fund
committee

- (22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

- (23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(6) Subclause ii of clause *b* of subsection 40 of the said section 130 is amended by striking out "subject to the approval of the Municipal Board" in the first line. ^{s. 130 (40) (b) (ii), amended}

18. Subsection 1 of section 135 of the said Act is amended by striking out "appropriate land titles or registry office" in the fourth and fifth lines and inserting in lieu thereof "Registry Office for the Registry Division of York North". ^{s. 135 (1), amended}

19.—(1) Section 149 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, is further amended by adding thereto the following subsection: ^{s. 149, amended}

- (10) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 3 and 12 of section 383 of *The Municipal Act*, and no area municipality shall exercise the powers conferred in those paragraphs. ^{Drain contractors, etc., and plumbers R.S.O. 1970, c. 284}

(2) The said section 149 is further amended by adding thereto the following subsection: ^{s. 149, amended}

- (11) The Regional Council may pass by-laws for licensing, regulating and governing persons who carry on the business of providing septic tank cleaning and pumping services. ^{Septic tank cleaning and pumping}

(3) No by-law passed under subsection 11 of section 149, as enacted by subsection 2 of this section, shall have any force or effect on and after the day on which Part VII of *The Environmental Protection Act, 1971* is made applicable to the Regional Area under section 103 of the said Act. ^{Application of 1971, c. 86, Part VII}

20. Section 173 of the said Act is repealed and the following substituted therefor: ^{s. 173, re-enacted}

- 173.**—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*. ^{Acquiring land for parks, etc. R.S.O. 1970, c. 384}

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

- (2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application
of
R.S.O. 1970,
c. 284

- (3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation a
municipality
under R.S.O.
1970, c. 337

- (4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Park lands
owned by
conservation
authority

- (5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*; and

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Regional Corporation and used for park purposes.

Tax
exemption
R.S.O. 1970,
c. 32

- (6) An exemption from taxes under subsection 5 shall be deemed to have the same effect as an exemption from taxes under section 3 of *The Assessment Act*.

Payment in
lieu of
taxes

- (7) The Regional Council may agree to pay annually to the area municipality in which any land used for the

purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

- (8) The Regional Council shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Regional Council deemed community centre board, etc.
R.S.O. 1970, cc. 120, 73

21.—(1) This Act, except sections 1, 7 and 18 and subsection 1 of section 19, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 1, 7 and 18 shall be deemed to have come into force on the 1st day of January, 1972.

Idem

(3) Subsection 1 of section 19 comes into force on the 1st day of January, 1973.

Idem

22. This Act may be cited as *The Regional Municipality of York Amendment Act, 1972*.

Short title

CHAPTER 79

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$800,000,000. Loans up to \$800,000,000
R.S.O. 1970, c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Loan Act, 1972*. Short title

CHAPTER 80

**An Act to amend
The Public Health Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 32 and 33 of section 6 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, are repealed ^{s. 6, pars. 32, 33, repealed}.

(2) Paragraph 43 of the said section 6 is repealed and the following substituted therefor: ^{s. 6, par. 43, re-enacted}

43. governing, regulating, and restricting the storage, collection and disposal of garbage and refuse in private premises and households. ^{disposal of refuse}

2. Section 35 of the said Act is amended by adding thereto the following subsection: ^{s. 35, amended}

(2a) The council of every municipality that is not included in a health unit shall, subject to the approval of the Minister, appoint a legally qualified medical practitioner to be medical officer of health for the municipality. ^{Medical officer of health}

3. Subsection 5 of section 37 of the said Act is repealed and the following substituted therefor: ^{s. 37 (5), re-enacted}

(5) With the consent of the municipalities forming a separated health unit as provided for in the agreement and, where no such provision is made in the agreement, with the consent of a majority of such municipalities, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property. ^{Acquisition of real property}

4. Section 45 of the said Act is repealed and the following substituted therefor: ^{s. 45, re-enacted}

Interpre-
tation

45. In this section and in sections 45*a* to 45*n*,

- (*a*) "Director" means the Director of Laboratory Licences appointed under section 45*a*;
- (*b*) "inspector" means an inspector appointed under section 45*l*;
- (*c*) "laboratory" means an institution, building, or place in which operations and procedures for the microbiological, serological, chemical, hematological, biophysical, immunohematological, cytological or pathological examination of specimens taken from the human body are performed to obtain information for diagnosis, prophylaxis or treatment, but not including simple procedures prescribed by the regulations that are carried out by legally qualified medical practitioners exclusively for the purpose of the diagnosis and treatment of their patients;
- (*d*) "operator" means a person having charge or control of a laboratory;
- (*e*) "regulations" means the regulations made under section 45*n*;
- (*f*) "Review Board" means the Laboratory Review Board established under section 45*b*;
- (*g*) "test" means a procedure for carrying out an examination referred to in clause *c* in a laboratory.

Director

45*a*. The Minister shall appoint an officer of the Ministry to be the Director of Laboratory Licences for purposes of sections 45 to 45*n*.

Laboratory
Review
Board

45*b*.—(1) There shall be a Laboratory Review Board, which shall be composed of not more than five members, appointed by the Lieutenant Governor in Council who may designate one member as chairman.

Quorum

(2) Three members of the Review Board constitute a quorum.

Remunera-
tion of
board
members

45*c*.—(1) The members of the Review Board who are not employed in the public service of Ontario shall be paid such remuneration and allowances as may be fixed by the Lieutenant Governor in Council in the appointment.

Protection
from
personal
liability

(2) No action or other proceeding for damages shall be instituted against the Director, any member of the

Review Board, or anyone acting under the authority of such Director or member of the Review Board for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

- 45*d*.—(1) No person shall establish, operate or maintain a laboratory except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a laboratory to perform such classes of tests and subject to such conditions as the Director may specify in the licence. ^{Licence required}
- (2) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a laboratory and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence. ^{Issuance of licence}
- (3) Subject to section 45*f*, the Director may refuse to issue a licence where in his opinion, ^{Grounds for refusal}
- (*a*) there is no public need for the laboratory in the area where it is proposed to establish, operate or maintain the laboratory;
 - (*b*) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the laboratory will not be operated in accordance with the law and with honesty and integrity;
 - (*c*) the proposed laboratory or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
 - (*d*) the applicant is not competent to operate a laboratory in accordance with this Act and the regulations;
 - (*e*) the equipment and premises are not suitable for the performance of the tests for which the licence is sought.
- (4) The Director shall not refuse to issue a licence in respect of a laboratory in operation immediately ^{Idem}

before this Act comes into force for the reason only that it does not qualify under clause *a* of subsection 3.

Provisional
licence

- (5) Where the applicant for a licence does not meet all the requirements for issuance of the licence and requires time to meet such requirements, the Director may issue a provisional licence for the laboratory.

Expiration
and renewal
of provisional
licence

- (6) A provisional licence expires six months after the date of its issue but may be renewed by the Director for two further six-month periods where in the opinion of the Director, sufficient progress in complying with the requirements for issuance of a licence has been made.

Expiration
and renewal
of licence

- (7) A licence that is not a provisional licence expires twelve months from the date of its issue or renewal and a renewal shall be issued where the applicant is not disqualified under subsection 11.

Stay of
refusal to
renew

- (8) Where the Director refuses to renew a licence, the laboratory shall be deemed to continue to be licensed until an order is made by the Review Board or until the time for requiring a hearing by the Review Board expires, whichever occurs first.

Operator
to be
named in
licence

- (9) It is a condition of a licence that the operation of the laboratory be under the charge and control of the operator named in the licence as operator and that the ownership of the laboratory be only in the persons named in the licence as owners.

Notice of
changes

- (10) Where the operator or the owner named in the licence is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation.

Revocation
or suspension
of licence

- (11) The Director may revoke or refuse to renew a licence where,
- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the laboratory;
 - (b) any test authorized by the licence is incompetently performed;

- (c) there is a breach of a condition of the licence;
- (d) the owner or the operator does not comply with this Act or the regulations;
- (e) the services that can be provided by the laboratory are misrepresented; or
- (f) a change in the officers or directors of any corporation which is an operator or owner of a laboratory named in the licence would afford grounds for refusing to issue a licence under clause *b* of subsection 3.

45e.—(1) Where the Director issues a licence under this Act and any party to the proceeding is dissatisfied with the terms and conditions thereof prescribed by the Director, he may by written notice given to the Director and the Review Board require a hearing by the Review Board, and the Review Board shall appoint a time for and hold a hearing. Hearing re terms of licence

- (2) Pursuant to a hearing under subsection 1, the Review Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence. Decision of Review Board

45f.—(1) Where the Director proposes to revoke or to refuse to issue or renew a licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew and on the owner and operator in the case of a proposal to revoke. Proposal to refuse to issue or revoke

- (2) A notice under subsection 1 shall inform the applicant or the owner and operator that he is entitled to a hearing by the Review Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing by the Review Board and he may so require such a hearing. Notice

- (3) Where the applicant or the owner and operator do not require a hearing by the Review Board in Powers of Director where no hearing

accordance with subsection 2, the Director may carry out the proposal stated in the notice under subsection 1.

Power of
Review
Board
where
hearing

- (4) Where an applicant or an owner or operator requires a hearing by the Review Board in accordance with subsection 2, the Review Board shall appoint a time for and shall hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Review Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Review Board may substitute its opinion for that of the Director.

Extension
of time for
requiring
hearing

- (5) The Review Board may extend the time for the giving of notice requiring a hearing by an applicant or an owner or operator under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or the owner or operator pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Review Board may give such directions as it considers proper consequent upon the extension.

Continuation
of licence
pending
renewal

- (6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the licence, the owner or operator has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Review Board has expired and, where a hearing is required, until the Review Board has made its decision.

Parties

- 45g.—(1) The Director, the applicant or the owner or operator who has required the hearing and such other persons as the Review Board may specify are parties to proceedings before the Review Board under this Act.

Notice of
hearing

- (2) Notice of a hearing under section 45f shall afford the applicant or the owner or operator a reasonable

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

- (3) Any party to proceedings under section 45f shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
 - (4) Members of the Review Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Review Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.
 - (5) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
 - (6) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47
 - (7) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision
 - (8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence
- 45h.—(1) Any party to the proceedings before the Review Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Review Board, the Review Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Review Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Review Board and may exercise all powers of the Review Board to direct the Director to take any action which the Review Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Review Board, or the court may refer the matter back to the Review Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of
notice

- 45*i*. Except where otherwise provided, any notice required by sections 45 to 45*n* to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Tests
permitted

- 45*j* Every owner and operator shall ensure that no tests are performed in the laboratory other than tests authorized by the licence, and no person employed in the laboratory shall knowingly participate in such tests.

Advertising

- 45*k*. No person shall advertise or cause to be advertised the services of the laboratory, but any person may notify such classes of persons as are specified by the regulations respecting,

(a) the name and address of the laboratory ;

- (b) laboratory employees and the tests that are authorized to be performed under the laboratory licence;
- (c) the laboratory equipment and premises and list of procedures and tariff;
- (d) information as to new tests provided.

45l.—(1) The Minister may appoint one or more persons ^{Appointment of inspectors} as inspectors for the purposes of sections 45 to 45n and the regulations and such appointments shall be in writing.

(2) The Minister shall issue every inspector appointed under subsection 1 a certificate of his appointment and every inspector, in the execution of his duties under this section and the regulations, shall produce his certificate of appointment upon request. ^{Certificate of appointment}

(3) An inspector may at all reasonable times inspect ^{Powers of inspectors} the premises, operations, all records and test samples of all laboratories to ensure that the provisions of sections 45 to 45n and the regulations are complied with.

(4) Upon an inspection under this section, the inspector ^{Idem} may upon giving a receipt therefor remove any material referred to in subsection 3 that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

(5) Any copy made as provided in subsection 4 and purporting to be certified by an inspector is admissible ^{Admissibility of copies} in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

(6) No person shall obstruct the inspector or withhold ^{Obstruction} or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

45m.—(1) Any person who contravenes any provision of ^{Penalty} sections 45 to 45l or the regulations made under section 45n is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$5,000 and not as provided therein.

Regulations

45*n*. The Lieutenant Governor in Council may make regulations,

- (a) providing for the issuance and renewal of licences and provisional licences and prescribing terms and conditions thereof;
- (b) prescribing simple laboratory procedures for the purpose of clause *c* of section 45;
- (c) prescribing classes of tests for the purposes of this Act and the regulations;
- (d) respecting the officers, staff and employees of laboratories and prescribing their duties, responsibilities and qualifications;
- (e) prescribing the classes of persons who may perform tests in a laboratory;
- (f) prescribing classes of persons who shall not be owners of laboratories or of any interest therein;
- (g) respecting the management and operation of laboratories and requiring laboratories to keep such records and make such reports as are prescribed;
- (h) specifying classes of persons whom laboratories may notify respecting their services;
- (i) prescribing forms and providing for their use;
- (j) prescribing fees for licences, provisional licences and renewals and for laboratory services performed by the Ministry;
- (k) exempting laboratories or any class thereof or any class of persons from any provisions of this Act or the regulations;
- (l) prescribing tests to which this Act does not apply;

- (m) prescribing other duties and powers of the Director and the Review Board, including the approval of educational qualifications of officers, staff and employees of laboratories;
- (n) instituting a system for the payment by the Province of all or any part of the annual expenditures of laboratories in lieu of amounts payable under *The Health Insurance Act, 1972*. ^{1972, c. 91.}

5. Section 125 of the said Act is amended by adding thereto ^{s. 125, amended} the following subsection:

- (4) Sections 14 to 17 of the by-law in Schedule B do not ^{Application of 1971, c. 86.} apply in areas in which Part VII of *The Environmental Protection Act, 1971* ^{Part VII} is made applicable under section 103 of the said Act.

6.—(1) This Act, except subsection 1 of section 1 and ^{Commence-} sections 2 and 4, comes into force on the day it receives ^{ment} Royal Assent.

(2) Section 2 shall be deemed to have come into force on ^{Idem} the 1st day of April, 1972.

(3) Subsection 1 of section 1 and section 4 come into force ^{Idem} on a day to be named by the Lieutenant Governor by his proclamation.

7. This Act may be cited as *The Public Health Amendment* ^{Short title} *Act, 1972*.

CHAPTER 81

**An Act to amend
The Meat Inspection Act (Ontario)**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Meat Inspection Act* (Ontario), ^{s. 1, amended} being chapter 266 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 56, is further amended by adding thereto the following clause:

(db) “meat product” means any product processed or derived in whole or in part from meat and intended to be used as food for human consumption.

(2) Clause *f* of the said section 1 is repealed and the ^{s. 1(f), re-enacted} following substituted therefor:

(f) “plant” means a premises where animals are slaughtered, and includes any portion of the premises in which meat products are produced, processed, handled or stored.

2. Section 2 of the said Act is amended by adding thereto ^{s. 2, amended} the following subsection:

(4) No person shall engage in the production, processing, ^{Production, etc., of meat products} handling or storage of a meat product at a plant except in accordance with the regulations.

3.—(1) Section 10 of the said Act is amended by adding ^{s. 10, amended} thereto the following clause:

(fa) requiring and governing the detention and disposal of any meat product at a plant and prescribing the procedures therefor.

(2) Clause *h* of the said section 10 is amended by inserting ^{s. 10(h), amended} after “meat” in the first line “or meat products”.

s. 10 (k),
amended

(3) Clause *k* of the said section 10 is amended by inserting after “meat” in the second line “and meat products”.

s. 10,
amended

(4) The said section 10 is further amended by adding thereto the following clauses:

(ka) prescribing standards for any class or variety of meat product;

(kb) providing for the taking at a plant of samples of meat or any meat product at the expense of the owner for the purpose of testing;

.

(ma) providing for the labelling at a plant of meat products.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Meat Inspection Amendment Act (Ontario), 1972*.

CHAPTER 82

**An Act to amend
The Ministry of Agriculture and Food Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Agriculture and Food Act*, being chapter 109 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

5a.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding the principal sum of \$15,000, together with interest thereon,

(a) made to farmers to enable them to purchase or retain female breeding stock for beef production; or

(b) made to producers of milk or cream to enable them to acquire,

(i) market sharing quotas allotted under *The Milk Act* to complement the *Canadian Dairy Commission Act* (Canada) and the *Agricultural Products Marketing Act* (Canada), or

(ii) dairy cows or bred dairy heifers.

(2) The form and manner of such guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof

and interest thereon guaranteed according to the terms of the guarantee.

Payment of
guarantee

- (3) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Payment of
loss
sustained

- (4) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, subject to such terms and conditions as he may prescribe, authorize the payment by the Province of Ontario out of the moneys appropriated therefor by the Legislature, of the whole or any part of the loss sustained by a person to whom a guarantee is given in collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Payment of
loss
limited

- (5) Payment of loss under subsection 4 is limited to,
- (a) fees, disbursements, allowances or charges owing by the person to whom the guarantee is given to his solicitor respecting matters for which costs may be taxed under the Rules of Practice of the Supreme Court of Ontario; and
 - (b) expenses, other than those referred to in clause *a*, that are reasonably and necessarily incurred in the course of collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

3. This Act may be cited as *The Ministry of Agriculture and Food Amendment Act, 1972*.

CHAPTER 83

**An Act to confirm the
Revised Statutes of Ontario, 1970**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Revised Statutes of Ontario, 1970, as printed by the Queen's Printer and Publisher, shall be deemed to have come into force and to have had effect as law on the 1st day of September, 1971. R.S.O. 1970, confirmed

2. The enactments mentioned in Schedule A appended to the Revised Statutes of Ontario, 1970, shall be deemed to have been repealed on the 1st day of September, 1971, to the extent mentioned in the third column of the Schedule. Repeal of certain enactments confirmed

3. The Legislature shall not, by reason of the passing of this Act, be deemed to have adopted the construction which, by judicial decision or otherwise, may have been placed upon the language of any Act in the Revised Statutes of Ontario, 1970, or upon similar language. Judicial interpretation

4. The Statutes of the Province of Ontario enacted at the Fourth Session of the Twenty-Eighth Legislature of Ontario as printed by the Queen's Printer and Publisher in Volume II of the Statutes of Ontario, 1971 shall be deemed to have come into force and to have had effect as law as provided therein. 1971 Statutes Vol. II confirmed

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Revised Statutes Confirmation Act, 1972*. Short title

CHAPTER 84

**An Act to confirm the
Revised Regulations of Ontario, 1970**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Revised Regulations of Ontario, 1970, as printed by the Queen's Printer and Publisher, shall be deemed to be valid and to have come into force on the 15th day of November, 1971. R.R.O. 1970, confirmed

(2) The regulations published in a special issue of *The Ontario Gazette*, dated the 4th day of December, 1971, shall be deemed to be valid and to have come into force on the 15th day of November, 1971. Certain regulations confirmed

2. Section 1 does not validate any Regulation or part thereof that has been made without authority. Exception

3. This Act comes into force on the day it receives Royal Assent. Commence-ment

4. This Act may be cited as *The Revised Regulations Confirmation Act, 1972*. Short title

CHAPTER 85

**An Act to amend
The Mortmain and Charitable Uses Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 10 of *The Mortmain and Charitable Uses Act*, being chapter 280 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(3) Where a devise, assurance, gift, grant or conveyance referred to in subsections 1 and 2 of this section or in subsection 3 of section 8 or subsection 3 of section 13 is subject to a life interest, life annuity or income for life, the two year period referred to in the said provision shall be two years after the life interest, life annuity or income for life ceases to exist.

(2) Subsection 1 applies in respect of land devised, assured, given, granted or conveyed after this Act comes into force or before this Act comes into force and undisposed of by the Public Trustee under subsection 2 of section 10 of *The Mortmain and Charitable Uses Act*.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Mortmain and Charitable Uses Amendment Act, 1972*.

CHAPTER 86

An Act to amend The County Judges Act

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The County Judges Act*, <sup>s. 4 (1),
amended</sup> being chapter 95 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 4, section 2, is further amended by striking out "one or more judges or junior judges, not exceeding twenty in number" in the second and third lines and in the amendment of 1971 and inserting in lieu thereof "such judges or junior judges as are considered necessary".

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The County Judges Amendment* ^{Short title} *Act, 1972*.

CHAPTER 87

**An Act respecting
the Village of Point Edward**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Village of Point Edward and the Blue Water Bridge Authority are hereby authorized to enter into an agreement in the form set out in the Schedule and such agreement when duly executed shall be valid and binding upon the parties thereto, and the parties are hereby empowered to carry out and enforce their respective obligations and rights thereunder. Agreement authorized

2. During the term of the agreement, assessment of the real property referred to therein, including business assessment, shall be in accordance with the terms of the agreement notwithstanding the provisions of *The Assessment Act*. R.S.O. 1970, c. 32, not to apply

3. *The Village of Point Edward Act, 1970*, being chapter 67, is repealed. 1970 Act repealed

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Village of Point Edward Act, 1972*. Short title

SCHEDULE

AGREEMENT made in triplicate this day of , 1972.

BETWEEN:

BLUE WATER BRIDGE AUTHORITY

hereinafter called "the Bridge Authority"

OF THE FIRST PART

— and —

THE CORPORATION OF THE VILLAGE OF POINT EDWARD

hereinafter called "the Corporation"

OF THE SECOND PART

WHEREAS the Parties hereto desire to enter an arrangement for determining the taxes payable by the Bridge Authority for a period of seven years;

AND WHEREAS the Parties have agreed that the taxes to be paid by the Bridge Authority to the Corporation in respect of taxation on all the property of the Bridge Authority in the Village of Point Edward and business assessment in respect thereto for the years 1971, 1972, 1973, 1974, 1975, 1976 and 1977 shall be as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises hereinafter set forth, the Parties hereto mutually agree as follows:

1. In this agreement "real property" has the same meaning as is provided in section 1 (k) of *The Assessment Act*.
2. The Bridge Authority shall pay to the Corporation for all municipal taxes, including school taxes against the real property of the Bridge Authority now owned, leased, occupied or managed by it situated in the Village of Point Edward and for business assessment, and against the Bridge Authority itself for the years 1971 to 1977 inclusive, the following sums of money namely:

1971.....	\$50,000.00 plus local improvement rates
1972.....	\$51,000.00 plus local improvement rates
1973.....	\$52,000.00 plus local improvement rates
1974.....	\$53,000.00 plus local improvement rates
1975.....	\$54,000.00 plus local improvement rates
1976.....	\$55,000.00 plus local improvement rates
1977.....	\$56,000.00 plus local improvement rates

3. The assessment of the said real property acquired, held, leased or managed by the Bridge Authority within the corporate limits of the Village of Point Edward, including business assessment, and of the Bridge Authority itself, shall, for the purposes of taxation in each year of the years 1971 to 1977, be entered on the Assessment and Collector's Roll of the said Village of Point Edward in respect of the said years at no higher valuation than will produce the above mentioned sums per annum in the said respective years at the rate or rates in the dollar which shall have been fixed by a by-law or by-laws of the said Corporation for authorizing, levying and collection of rates for the purposes of the municipality and the said valuation shall be held and taken to be the assessed valuation for which, during the said years, the said property, business assessment and Bridge Authority hereinbefore described shall be entered upon the Assessment and Collector's Roll for the purpose of levying and collecting all rates, exclusive of local improvement rates and it shall be the duty of the assessment commissioner from time to time during the said period to assess the same in accordance with the valuations hereby fixed and for no other or greater sum.

4. The said sums for the respective years set forth in paragraph 2 above for each of the said respective years shall be payable to the Corporation each and every year during the term of this Agreement on or before the 1st day of September.

5. In the event that any of the real property, presently owned by the Bridge Authority shall, during the currency of this agreement, be found to be liable for municipal taxes to any other municipal corporation in the Province of Ontario, then the taxes payable pursuant to this agreement shall be reduced by the amount of taxes actually paid to such other municipal corporation in each year and the Assessment and Collector's Roll of the Corporation shall be amended accordingly by the assessment commissioner.

6. This agreement shall be terminated prior to its term if and when the Province of Ontario passes legislation which makes the said property of the Bridge Authority within the Corporation liable to taxation under the provisions of *The Assessment Act* in the same manner as other international bridges of a like nature, provided that all money required to be paid hereunder by the Authority to the Corporation shall be paid for all of the years set forth in paragraph 2 hereof to and including the year immediately preceding the year of taxation under the provisions of *The Assessment Act*.

7. The making of this agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties during or after the expiration of the term hereof.

8. All the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals the day and year first above written.

SIGNED, SEALED, DELIVERED AND COUNTERSIGNED by the proper officers
of the Parties hereto:

BLUE WATER BRIDGE AUTHORITY

Per:
President.

.....
Secretary.

THE CORPORATION OF THE VILLAGE OF
POINT EDWARD

Per:
Reeve.

.....
Clerk.

CHAPTER 88

**An Act respecting
the Village of Wasaga Beach**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Village of Wasaga Beach may pass by-laws for establishing that part of Main Street in the Village between the south limit of Wasaga Avenue and the north limit of Moseley Street or any part or parts thereof solely or principally as a pedestrian promenade for such period or periods between the 15th day of June and the 15th day of September in the year 1972 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Main Street and the obstruction thereof by such persons and in such manner and to such extent as the council may consider desirable.

2. Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from The Corporation of the Village of Wasaga Beach for loss of business or for loss of access to or from Main Street arising from the exercise by the council of its powers under this Act.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Village of Wasaga Beach Act, 1972*.

CHAPTER 89

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 65 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out “within the Metropolitan Toronto Planning Area” in the second line and inserting in lieu thereof “in any local municipality or in territory without municipal organization”. s. 65 (2),
amended

(2) Subsection 3 of the said section 65 is repealed and the following substituted therefor: s. 65 (3),
re-enacted

(3) No land shall be acquired in a local municipality under subsection 2 without the approval of the local municipality, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board, and no land shall be acquired in territory without municipal organization under subsection 2 without the approval of the Municipal Board. Approval re
acquisition
of land

(3) Subsection 4 of the said section 65 is amended by striking out “clause *b* of” in the second line and by adding at the end thereof “and the Municipal Board may order the amendment of any official plan or of any by-law passed under section 35 of *The Planning Act* to permit the use of the land for the purposes for which it is to be acquired”. s. 65 (4),
amended

R.S.O. 1970,
c. 349

2. The said Act is amended by adding thereto the following section: s. 79a,
enacted

79a. The Metropolitan Council may by by-law designate any lane on a metropolitan road as solely or principally for the use of motor vehicles. Reserved
lanes for
public transit
motor
vehicles

pally for use by public transit motor vehicles and prohibit the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section "public transit motor vehicle" means a motor vehicle owned and operated by the Toronto Transit Commission as part of its regular passenger transportation service.

s. 125 (2),
amended

3. Subsection 2 of section 125 of the said Act is amended by striking out "three" in the second line and inserting in lieu thereof "two".

s. 146 (1),
amended

4. Subsection 1 of section 146 of the said Act is amended by striking out "and" at the end of clause *c*, adding "and" at the end of clause *d* and by adding thereto the following clause:

(*e*) two persons appointed by the Metropolitan Council who shall be residents in the Metropolitan Area.

s. 209,
amended

5. Section 209 of the said Act is amended by adding thereto the following subsection:

Exception

(5*a*) Notwithstanding subsection 5, the Society shall be deemed to be a local board of the Metropolitan Corporation for the purposes of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,
c. 324

s. 216 (1),
re-enacted

6. Subsection 1 of section 216 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Metropolitan Council, or The Metropolitan Toronto School Board or the Metropolitan Toronto Library Board with the approval of the Metropolitan Council, may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Metropolitan Council or the School Board or the Library Board, as the case may be, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 221,
repealed

7. Section 221 of the said Act is repealed.

Pedestrian
promenades,
Yonge St.

8.—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Gerrard Street and the north limit of Adelaide Street solely or principally as a pedestrian promenade for such period or periods between

the 28th day of June and the 14th day of August in the year 1972 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

(2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square^{Idem, Trinity Square, etc.} and the parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Gerrard Street and the north limit of Adelaide Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 28th day of June and the 14th day of August in the year 1972 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable.

(3) The Corporation of the City of Toronto may contribute^{Contribution by City towards cost} toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

(4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.^{Right to damages by reason of creation of promenade}

9.—(1) This Act, except sections 3 and 4, comes into^{Commencement} force on the day it receives Royal Assent.

(2) Sections 3 and 4 come into force on the 1st day of^{Idem} January, 1973.

10. This Act may be cited as *The Municipality of*^{Short title} *Metropolitan Toronto Amendment Act, 1972 (No. 2).*

CHAPTER 90

An Act to amend The Public Hospitals Act

Assented to June 23rd, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Public Hospitals Act*, being chapter ^{s. 1, amended} 378 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(aa) “Appeal Board” means the Hospital Appeal Board established by this Act.

(2) Clauses *c* and *d* of the said section 1 are repealed. ^{s. 1 (c, d), repealed}

(3) Clause *g* of the said section 1 is repealed and the ^{s. 1 (g), re-enacted} following substituted therefor:

(g) “inspector” means an officer of the Ministry designated under this Act as an inspector.

(4) Section 1 of the said Act is further amended by adding ^{s. 1, amended} thereto the following clause:

(ga) “medical advisory committee” means a committee established under section 42.

(5) Clause *m* of the said section 1 is repealed and the ^{s. 1 (m), re-enacted} following substituted therefor:

(m) “physician” means a legally qualified medical practitioner;

(ma) “provincial aid” means any sum paid to a hospital under this Act or *The Health Insurance Act, 1972*. ^{1972, c. 91}

(6) Clause *p* of the said section 1 is repealed. ^{s. 1 (p), repealed}

2. Section 2 of the said Act is amended by striking out ^{s. 2, amended} “a sanatorium under *The Sanatoria for Consumptives Act* or” in the first and second lines.

s. 3,
amended

3. Section 3 of the said Act is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”.

s. 4 (1),
amended

4.—(1) Subsection 1 of section 4 of the said Act is amended by striking out “Commission” in the third line and inserting in lieu thereof “Minister”.

s. 4 (2),
amended

(2) Subsection 2 of the said section 4 is amended by striking out “Commission to the” in the fourth line.

s. 4 (3),
amended

(3) Subsection 3 of the said section 4 is amended by striking out “Commission” in the third line and inserting in lieu thereof “Minister”.

s. 4 (4),
amended

(4) Subsection 4 of the said section 4 is amended by striking out “Commission” in the fourth line and inserting in lieu thereof “Minister”.

s. 4 (5),
amended

(5) Subsection 5 of the said section 4 is amended by striking out “on the recommendation of the Commission” in the third line.

s. 5,
amended

5. Section 5 of the said Act is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”.

s. 6,
amended

6. Section 6 of the said Act is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”.

ss. 7, 8,
re-enacted

7. Sections 7 and 8 of the said Act are repealed and the following substituted therefor:

Powers

7. Every hospital has power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do.

Expropriation
R.S.O. 1970,
c. 154

8. Subject to *The Expropriations Act*, a board may expropriate any real property necessary for the purpose of properly conducting the hospital.

s. 9 (1),
re-enacted

8.—(1) Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor:

- (1) A hospital shall pass by-laws as prescribed by the ^{By-laws} regulations, subject to the approval of the Minister.

(2) Subsection 2 of the said section 9 is amended by in- ^{s. 9 (2),}serting after "shall" in the first line "pass" and by striking ^{amended}out "Commission" in the second line and inserting in lieu thereof "Minister".

(3) Subsection 3 of the said section 9 is repealed and the ^{s. 9 (3),}following substituted therefor: ^{re-enacted}

- (3) No by-law, or amendment to or revision of a by-law, ^{Idem}made under subsection 2 has any force or effect until it is approved by the Lieutenant Governor in Council upon the recommendation of the Minister.

(4) The said section 9 is amended by adding thereto the ^{s. 9.}following subsection: ^{amended}

- (11) Notwithstanding *The Corporations Act*, upon the ^{Idem}recommendation of the Minister, the Lieutenant ^{R.S.O. 1970,}Governor in Council may appoint one or more ^{c. 89}provincial hospital representatives to the board of a hospital for a term of office of not more than three years and such provincial hospital representatives shall have all the rights and responsibilities of elected directors.

9. Section 10 of the said Act is repealed and the following ^{s. 10,}substituted therefor: ^{re-enacted}

10. No member of a committee of the medical staff of a ^{Protection}hospital or of the board or Appeal Board or of the ^{from}staff thereof and no witness in a proceeding or in- ^{liability}vestigation before such committee or board is liable for anything done or said in good faith in the course of a meeting, proceeding, investigation or other business of the committee or board.

10. Section 15 of the said Act is repealed and the following ^{s. 15,}substituted therefor: ^{re-enacted}

15. The Minister may designate one or more officers of ^{Inspectors}the Ministry to be inspectors for the purposes of this Act and the regulations.

11. Section 17 of the said Act is repealed and the following ^{s. 17,}substituted therefor: ^{re-enacted}

Admission
of patients

17. Where,

(a) a person has been admitted to a hospital by a physician pursuant to the regulations; and

(b) such person requires the level or type of hospital care for which the hospital is approved by the regulations,

the hospital shall accept such person as a patient.

s. 19 (1),
amended

12.—(1) Subsection 1 of section 19 of the said Act is amended by striking out “in a hospital” in the first line.

s. 19 (2-4),
repealed

(2) Subsections 2, 3 and 4 of the said section 19 are repealed.

ss. 22, 23,
repealed

13. Sections 22 and 23 of the said Act are repealed.

s. 24,
re-enacted

14. Section 24 of the said Act is repealed and the following substituted therefor:

Burial
expenses by
municipality

24. In the event of the death in a hospital of a patient who is an indigent person, or the dependant of an indigent person, the municipality in which he was a resident at the time of his admission shall pay to the hospital any expenses of his burial that it incurs.

ss. 25-31,
repealed

15. Sections 25, 26, 27, 28, 29, 30 and 31 of the said Act are repealed.

s. 32,
amended

16. Section 32 of the said Act is amended by striking out “for treatment of any patient or” in the first and second lines.

s. 33 (1),
amended

17.—(1) Subsection 1 of section 33 of the said Act is amended by striking out “treatment of a patient or on payment by it of” in the second and third lines.

s. 33 (2-4),
repealed

(2) Subsections 2, 3 and 4 of the said section 33 are repealed.

s. 34,
amended

18. Section 34 of the said Act is amended by striking out “treatment of a patient or upon payment of any” in the second line.

s. 37,
amended

19. Section 37 of the said Act is amended by striking out “six months” in the fourth line and inserting in lieu thereof “two years”.

s. 38,
repealed

20. Section 38 of the said Act is repealed.

21.—(1) Subsection 1 of section 39 of the said Act is ^{s. 39 (1),} amended by striking out “Upon the recommendation of the Commission to the Minister, the Lieutenant Governor in Council may make such regulations” in the first, second and third lines and inserting in lieu thereof “Subject to the approval of the Lieutenant Governor in Council, the Minister may make such regulations”.

(2) Clause *j* of subsection 1 of the said section 39 is ^{s. 39 (1) (j),} amended by striking out “discipline” in the first line and inserting in lieu thereof “control”.

(3) Subsection 1 of the said section 39 is further amended ^{s. 39 (1),} by adding thereto the following clause:

- (*ja*) prescribing the organization of the medical staff of a hospital including the composition and duties of admission and discharge committees and other committees of the medical staff.

(4) Clause *o* of subsection 1 of the said section 39 is ^{s. 39 (1) (o),} amended by striking out “Commission” in the first and second lines and inserting in lieu thereof “Ministry”.

(5) Subsection 1 of the said section 39 is further amended ^{s. 39 (1),} by adding thereto the following clause:

- (*oa*) prescribing the requirements to be satisfied for obtaining a valid consent for any surgical operation, diagnostic procedure or medical treatment, the method of obtaining such consent, the conditions under which such consent may be dispensed with and specifying the age or ages at which and under what conditions a patient may give a valid consent for a surgical operation, diagnostic procedure or medical treatment to be performed on himself.

(6) Clauses *s* and *t* of subsection 1 of the said section 39 ^{s. 39 (1) (s, t),} are repealed.

(7) Subsection 2 of the said section 39 is amended by ^{s. 39 (2),} striking out “On the recommendation of the Commission” in the first line.

22. Section 40 of the said Act is repealed and the following ^{s. 40,} substituted therefor:

40. Where,

- (*a*) the application of a physician for appointment or reappointment to a medical staff of a hospital

Notice to
College of
disciplinary
action
against
physician

is rejected by reason of his incompetence, negligence or misconduct;

- (b) the privileges of a member of a medical staff of a hospital are restricted or cancelled by reason of his incompetence, negligence or misconduct; or
- (c) a physician voluntarily or involuntarily resigns from a medical staff of a hospital during the course of an investigation into his competence, negligence or conduct,

the administrator of such hospital shall prepare and forward a detailed report to The College of Physicians and Surgeons of Ontario.

ss. 42-50.
enacted

23. The said Act is amended by adding thereto the following sections:

Medical
advisory
committee

42.—(1) Every board shall establish a medical advisory committee composed of such elected and appointed members of the medical staff as are prescribed by the regulations.

Duties

(2) The medical advisory committee shall consider and make recommendations to the board respecting any matter referred to it under section 44 and perform such other duties as are assigned to it by or under this or any other Act or by the board.

Powers of
board re
medical
staff

43. The board may,

- (a) appoint physicians to a group of the medical staff of the hospital established by the by-laws;
- (b) determine the hospital privileges to be attached to the appointment of a member of the staff; and
- (c) revoke or suspend the appointment of or refuse to reappoint a member of the medical staff.

Application
for medical
staff
appointment,
hospital
privileges,
etc.

44.—(1) Every physician is entitled to apply for an appointment or a reappointment to any group of the medical staff of a hospital established by its by-laws or for a change in hospital privileges and, upon receipt of a written request, an administrator shall supply an appropriate application form.

- (2) Every physician appointed to the medical staff of a hospital shall be appointed for a period of not more than one year. ^{Term of appointment}
- (3) Each application shall be submitted to the administrator who shall immediately refer such application to the medical advisory committee. ^{Idem}
- (4) Each application shall be considered by the medical advisory committee which shall make a recommendation thereon in writing to the board within sixty days from the date of the application. ^{Recommendation of medical advisory committee}
- (5) Notwithstanding subsection 4, a medical advisory committee may make its recommendation later than sixty days after the date of the application if, prior to the expiry of the sixty day period, it indicates in writing to the board and the applicant that a final recommendation cannot yet be made and gives written reasons therefor. ^{Idem}
- (6) The medical advisory committee shall give written notice to the applicant and the board of its recommendation. ^{Notice of recommendation}
- (7) A notice under subsection 6 shall inform the applicant that he is entitled to, ^{Idem}
- (a) written reasons for the recommendation if a request is received by the medical advisory committee within seven days of the receipt by the applicant of a notice of the recommendation; and
 - (b) a hearing before the board if a written request is received by the board and the medical advisory committee within seven days of the receipt by the applicant of the written reasons under clause *a*,

and he may so require such reasons and hearing.

45. Where the applicant does not require a hearing by the board in accordance with subsection 7 of section 44, the board may implement the recommendation of the medical advisory committee. ^{Where no hearing required}
- 46.—(1) Where an applicant requires a hearing by the board in accordance with subsection 7 of section 44, the board shall appoint a time for and hold the ^{Powers of board where hearing}

hearing and shall decide the matter in the exercise of its powers under clause *a* or *b* of section 43.

Parties

- (2) The applicant or member, the medical advisory committee and such other persons as the board may specify are parties to proceedings before the board under this section.

Continuation of appointment pending re-appointment

- (3) Where, within the time prescribed therefor, a member has applied for reappointment, his appointment shall be deemed to continue,

(a) until the reappointment is granted; or

(b) where he is served with notice that the board refuses to grant the reappointment, until the time for giving notice requiring a hearing by the Appeal Board has expired and, where a hearing is required, until the decision of the Appeal Board has become final.

Members holding hearing not to have taken part in investigation, etc.

- (4) Members of the board holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Notice of hearing

- (5) Where a hearing by the board is required, the person requiring the hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Findings of fact

- (6) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

- (7) No member of the board shall participate in a decision of the board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except

with the consent of the parties, no decision of the board shall be given unless all members so present participate in the decision.

- (8) Notwithstanding any limitation of time for the giving of any notice requiring a hearing by the board fixed by or under any Act, and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the board may extend the time for giving the notice either before or after expiration of the time so limited, and may give such directions as it considers proper consequent upon such extension. ^{Extension of time for giving notice}
- 47.—(1) The Hospital Appeal Board is established and shall be composed of five members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman. ^{Hospital Appeal Board established}
- (2) The Appeal Board shall be composed of two members who shall be physicians, one member of the legal profession or judiciary and two members representing the public interest, one of whom is a member of a board. ^{Members of Appeal Board}
- (3) No employee of the Government of Ontario or of any agency of the Crown shall be appointed a member of the Appeal Board. ^{Membership restriction}
- (4) Three members of the Appeal Board constitute a quorum. ^{Quorum}
- (5) The members of the Appeal Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines. ^{Remuneration}
- 48.—(1) Any applicant for appointment to or member of the medical staff or who was a party to a proceeding before the board and who is affected by, ^{Reasons and appeal}
- (a) a decision revoking or suspending his appointment or refusing to reappoint him under clause c of section 43; or
 - (b) a decision cancelling, suspending or substantially altering his hospital privileges under section 41 or the by-laws,

is entitled to,

- (c) written reasons for the decision if a request is received by the board, person or body making the decision within seven days of the receipt by the party or member of a notice of the decision; and
- (d) a hearing before the Appeal Board if a written request is received by the Appeal Board and the board, person or body making the decision within seven days of the receipt by the party or member of written reasons under clause *a*.

Procedure
at hearing

- (2) Section 46 applies to a hearing before the Appeal Board in the same manner as if the party or member were an applicant entitled to a hearing before a board under section 44.

Parties

- (3) The board and person mentioned in subsection 1 and such other persons as the Appeal Board may specify are parties to proceedings before the Appeal Board under this section.

Recording of
evidence

- (4) Oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Powers of
Appeal Board

- (5) After a hearing, the Appeal Board may by order confirm the decision appealed from or direct the board or other person or body making the decision appealed from to take such action as the Appeal Board considers ought to be taken in accordance with this Act, the regulations and the by-laws, and for such purposes may substitute its opinion for that of the board, person or body making the decision appealed from.

Referral of
matters to
professional
organization
for report

- (6) The Appeal Board may at any time during a hearing and prior to rendering a decision refer any matter to any professional organization for the purpose of obtaining expert assistance or a formal report.

Service of
notice

- 49. Service of a notice under sections 44, 46 and 48 may be made personally or by registered mail addressed to the person to be served at his last known address and, where the notice is served by registered mail, it shall be deemed that the notice was served on the third day after the day of mailing unless the person to be served establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date.

50.—(1) Any party to proceedings before the Appeal Board may appeal from its decision to the Supreme Court in accordance with the rules of court. ^{Appeal from decision of Appeal Board}

(2) Where any party appeals from a decision of the Appeal Board, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. ^{Record to be filed in court}

(3) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the Appeal Board, and for such purpose the court may substitute its opinion for that of the Appeal Board or board or other person or body authorized to make the decision appealed from, or the court may refer the matter back to the Appeal Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. ^{Powers of court on appeal}

24.—(1) This Act, except sections 1 to 21, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Sections 1 to 21 shall be deemed to have come into force on the 1st day of April, 1972. ^{Idem}

25. This Act may be cited as *The Public Hospitals Amendment Act, 1972*. ^{Short title}

CHAPTER 91

An Act respecting Health Insurance*Assented to June 23rd, 1972**Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Appeal Board" means the Health Services Appeal Board established by this Act;
- (b) "dependant" means a dependant of an insured person, as defined in the regulations;
- (c) "Deputy Minister" means the Deputy Minister of Health;
- (d) "future cost of insured services" means the estimated total cost of the future insured services made necessary as the result of an injury that will probably be required by a patient after the date of settlement or, where there is no settlement, the first day of trial;
- (e) "General Manager" means the General Manager appointed under section 4;
- (f) "health facility" means extended care units in a nursing home, ambulance services, medical laboratories and such other health facilities as are prescribed by the regulations;
- (g) "insured person" means a person who is entitled to insured services under this Act and the regulations;
- (h) "insured services" means such services of hospitals and health facilities as are prescribed by the regulations, all services rendered by physicians that are medically necessary and such other health care services as are rendered by such practitioners and under

R.S.O. 1970,
cc. 505, 205

R.S.C. 1970,
cc. H-8, M-8

such conditions and limitations as are prescribed by the regulations, but not including the services that a person is entitled to under *The Workmen's Compensation Act*, *The Homes for Special Care Act* or under any Act of the Parliament of Canada except the *Hospital Insurance and Diagnostic Services Act* (Canada) and the *Medical Care Act* (Canada);

- (i) "Minister" means the Minister of Health;
- (j) "past cost of insured services" means the total cost of the insured services made necessary as the result of an injury and provided to a patient up to and including the date of settlement or, where there is no settlement, the first day of trial;
- (k) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;
- (l) "Plan" means the Ontario Health Insurance Plan established under section 9;
- (m) "practitioner" means a person other than a physician who is lawfully entitled to render insured services in the place where they are rendered;
- (n) "regulations" means the regulations made under this Act;
- (o) "resident" means a person who is legally entitled to remain in Canada and who makes his home and is ordinarily present in Ontario, but does not include a tourist, a transient or a visitor to Ontario, and the verb has a corresponding meaning.

ADMINISTRATION

Provincial
authority
for purposes
of R.S.C. 1970,
c. M-8

2.—(1) The Minister is responsible in respect of the administration and operation of the Plan and is the provincial authority for Ontario for the purposes of the *Medical Care Act* (Canada).

Duties of
Minister

(2) The Minister may,

- (a) enter into arrangements for the payment of remuneration to physicians and practitioners rendering insured services to insured persons on a basis other than fee for service;

- (b) enter into agreements with persons, organizations and government agencies outside Ontario for the provision of insured services to insured persons;
- (c) limit the hospital and health care services outside Canada for which payment may be made under the Plan;
- (d) establish one or more advisory committees to advise or assist in the operation of the Plan;
- (e) authorize surveys and research programs and obtain statistics for purposes related to the Plan.

3.—(1) The Government of Ontario, represented by the Treasurer of Ontario, may enter into and amend from time to time an agreement with the Government of Canada under which Canada will contribute to the cost of that part of the Plan related to the provision of any insured services in or by hospitals and health facilities in accordance with such terms and conditions as the agreement provides.

(2) The Government of Ontario, represented by the Minister, may enter into and amend from time to time an agreement with the Government of Canada under which Canada will contribute to the cost of that part of the Plan related to insured services other than insured services provided in or by a hospital or health facility, in accordance with such terms and conditions as the agreement provides.

4.—(1) A General Manager for the Plan shall be appointed by the Lieutenant Governor in Council.

(2) Subject to this Act and the regulations, it is the function of the General Manager and he has the power,

- (a) to administer the Plan as the chief executive officer of the Plan;
- (b) to carry out enrolments in the Plan including the determination of eligibility and collection of premiums;
- (c) to make payments by the Plan for insured services, including the determination of eligibility and amounts;
- (d) to establish and maintain branch offices for the administration of the Plan;

- (e) to conduct actions and negotiate settlements on behalf of the Plan under the subrogation of the Plan under this Act to the rights of insured persons;
- (f) to require any information required or permitted to be provided to him under this Act or the regulations to be provided in such form as he specifies;
- (g) to perform such other function and discharge such other duties as are assigned to him by this Act and the regulations or by the Minister.

MEDICAL REVIEW COMMITTEE

Medical
Review
Committee
R.S.O. 1970,
c. 200

5.—(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of not more than seven members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons, of whom three constitute a quorum.

Remunera-
tion

(2) The members of the Medical Review Committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Qualifications
of members

(3) No member of the Medical Review Committee shall be employed in the service of Ontario or any agency of the Crown.

Duties

(4) The Medical Review Committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister, the Appeal Board or the College of Physicians and Surgeons and shall perform such other duties as are assigned to it by this Act or the regulations.

MEDICAL ELIGIBILITY COMMITTEE

Medical
Eligibility
Committee

6.—(1) The Minister may appoint in writing such number of physicians as he considers appropriate, from time to time, not to exceed fifteen, to form the Medical Eligibility Committee.

Term of
office

(2) The Minister shall specify the term of office for each physician in his written appointment.

Quorum

(3) Any three members constitute a quorum and are sufficient for the exercise of all functions of the Committee.

Divisions of
Committee

(4) The Medical Eligibility Committee may sit in several divisions simultaneously providing a quorum of the Committee is present in each division.

(5) The decision of the majority of the members of the Medical Eligibility Committee present and constituting a quorum is the decision of the Committee. Decision of Committee

(6) No member of the Medical Eligibility Committee shall be employed in the service of Ontario or any agency of the Crown. Qualifications of members

(7) The Minister shall, from time to time, designate one of the physicians to be the chairman of the Committee who shall assign the members to sit on the various divisions of the Committee and prescribe the duties to be performed by each division. Committee chairman

(8) The members of the Medical Eligibility Committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines. Remuneration

(9) The Medical Eligibility Committee shall look into and report with its recommendations to the General Manager on any matter referred to it under section 23 and shall perform such other duties as are assigned to it by this Act or the regulations or by the Minister. Duties

HEALTH SERVICES APPEAL BOARD

7.—(1) The Health Services Appeal Board is established and shall be composed of not fewer than five and not more than nine members, of whom not more than three shall be physicians, who shall be appointed by the Lieutenant Governor in Council. Health Services Appeal Board

(2) One member of the Appeal Board shall be designated as Appeal Board chairman and another member of the Board shall be designated as vice-chairman by the Lieutenant Governor in Council. Appeal Board chairman and vice-chairman

(3) Three members of the Appeal Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Appeal Board. Quorum

(4) The decision of the majority of the members of the Appeal Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the Appeal Board chairman or vice-chairman governs. Decision of Board

(5) No member of the Appeal Board shall be employed in the service of Ontario or any agency of the Crown. Qualifications of members

Remuneration

(6) The members of the Appeal Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

Duties

(7) The functions of the Appeal Board are to hear and determine,

(a) appeals from decisions made by the General Manager under section 24;

(b) any other duties assigned by this Act or the regulations or by the Minister,

subject to and in accordance with this Act and the regulations.

Report to Assembly

8. The Minister shall make a report annually to the Lieutenant Governor in Council upon the affairs of the Plan and the Minister shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

ONTARIO HEALTH INSURANCE PLAN

Ontario Health Insurance Plan established

R.S.O. 1970,
cc. 200, 209

9. The Health Services Insurance Plan established by *The Health Services Insurance Act* and the hospital care insurance plan established by *The Hospital Services Commission Act* are hereby continued in the Plan for the purpose of providing for insurance against the costs of insured services on a non-profit basis on uniform terms and conditions available to all residents of Ontario, in accordance with this Act, and providing other health benefits related thereto.

Right to insurance

10.—(1) Every person who is a resident of Ontario is entitled to become an insured person upon application therefor to the General Manager in accordance with this Act and the regulations.

Dependants

(2) Every dependant of an insured person is an insured person.

Coverage continued

1971 (2nd
Sess.) c. 5

(3) Every person who was an insured person under *The Ontario Health Insurance Organization Act, 1971* immediately prior to the coming into force of this Act is an insured person under this Act until he ceases to be an insured person in accordance with this Act and the regulations.

Entitlement to insured services

11. Every insured person is entitled to payment to himself or on his behalf for, or to be otherwise provided with, insured services in the amounts and subject to such conditions and co-payments, if any, as are prescribed during the period in respect of which his premium is paid or dispensed with under this Act.

12. The premium for insured services shall be such amount ^{Premium} as is prescribed by the regulations, payable three months in advance of the period in respect of which the premium is paid and remitted to the General Manager payable to the Treasurer of Ontario.

13.—(1) Any person who is sixty-five years of age or over ^{Exemption from premium for persons over 65} and who applies and is eligible therefor, and his spouse and dependants, are entitled to be insured persons without payment of a premium.

(2) Subsection 1 does not apply to a person unless he has ^{Idem} been ordinarily resident in Ontario for the previous twelve months.

14.—(1) Subject to section 24, the General Manager may ^{Premium relief or assistance} grant relief from or assistance in the payment of premiums for such residents and in such amounts based upon the taxable income or estimated taxable income of the resident and his spouse, if any, or upon such other circumstances as are determined in accordance with the regulations.

(2) Any insured person who is unable to continue payment ^{Application for temporary assistance} of his premiums due to unemployment, illness, disability or financial hardship may, within the first thirty days of his default, apply to the General Manager for assistance in continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship.

(3) Any person who was entitled to insured services without ^{Continuation of premium relief or assistance} the payment of a premium or to premium assistance immediately before the 1st day of April, 1972 continues to be so entitled under this Act, subject to the provisions thereof.

15.—(1) The employees of an employer are a mandatory ^{Mandatory group} group if the number of employees who are residents of Ontario, including the employer if he is an individual or a member of a partnership, totals fifteen or more.

(2) Where the employees of an employer who are residents ^{Voluntary creation of mandatory group} of Ontario, including the employer if he is an individual or a member of a partnership, total more than five but fewer than fifteen, the General Manager may upon application therefor designate the group as a mandatory group.

(3) Every person who is a member of a mandatory group ^{Coverage} shall be an insured person in accordance with this Act and the regulations.

Deductions
by employer

(4) The employer shall deduct from the remuneration of each employee in his mandatory group the premiums required under this Act or such part as is agreed upon by the employer and his employee, but each member of the group is primarily liable to pay the premium.

Effect of
deduction
by employer

(5) The deduction by an employer from the remuneration of an employee in his mandatory group of the premium required under this Act shall discharge the primary liability of that employee to pay the premium so deducted.

No service
charge

(6) No person shall make any charge for acting in his capacity as the employer of a mandatory group.

Collector's
groups

16.—(1) Upon the application of an organization having fifteen or more members who are residents of Ontario and wish to apply for health insurance, the General Manager may designate the organization a collector's group and shall designate the person who shall be the collector.

Liability to
pay premium

(2) Each member of the group is primarily liable to pay the premium.

No service
charge

(3) No person shall make any charge for acting in his capacity as a collector.

Government
of Canada
groups

(4) The General Manager may, at the request of the Government of Canada, designate as a collector's group any group for whom and on whose behalf the Government of Canada undertakes to remit the premiums and information in the prescribed form.

Premiums for
remittance
in trust

17. Every person who receives, retains or withholds any amount for the purpose of paying a premium on behalf of an insured person shall be deemed to have received and to be holding the amount in trust for the Treasurer of Ontario and all accounts of such premium amounts shall be kept separate and apart from his own money.

Choice of
physician or
practitioner

18. This Act shall not be administered or construed to affect the right of an insured person to choose his own physician or practitioner, and does not impose any obligation upon any physician or practitioner to treat an insured person.

Other
insurance
prohibited

19.—(1) Every contract of insurance, other than insurance provided under section 231 of *The Insurance Act*, for the payment of or reimbursement or indemnification for all or any part of the cost of any insured services other than,

R.S.O. 1970,
c. 224, s. 231

(a) any part of the cost of hospital, ambulance and nursing home services that is not paid by the Plan;

- (b) compensation for loss of time from usual or normal activities because of disability requiring insured services,

performed in Ontario for any person eligible to become an insured person under this Act, is void and of no effect in so far as it makes provision for insuring against the costs payable by the Plan and no person shall enter into or renew such a contract.

(2) A resident shall not accept or receive any benefit under any contract of insurance prohibited under subsection 1 whereby he or his dependants may be provided with or reimbursed or indemnified for all or any part of the costs of, or costs directly related to the provision of any insured service. Resident not to benefit from prohibited insurance

(3) Subsections 1 and 2 do not apply to a contract of insurance entered into by a resident whose principal employment is in the United States of America and who is entitled to enter into the contract by virtue of his employment. Exceptions

(4) Where payment is made to or on behalf of an insured person under a contract or agreement referred to in subsection 3 and such payment is less than would have been made under this Act and the regulations for the same insured services, the General Manager may pay to or on behalf of the insured person the difference between the amount paid under the contract or agreement and the amount established by the regulations for the insured services for which payment was made under the contract or agreement. Idem

(5) Subsections 1 and 2 do not apply for the first three months after a person takes up residence in Ontario. Exception for first three months

20.—(1) Subject to subsection 6, a physician may submit his accounts for the performance of insured services directly to the Plan for payment thereof directly to him by notifying the General Manager of his intention to do so in the manner and subject to the requirements prescribed by the regulations. Billing the Plan

(2) Where a physician submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations. Methods of billing prohibited

(3) Where a physician submits his accounts directly to the Plan under this section, Requirements where Plan billed

- (a) payment thereof shall be made directly to him;
- (b) he shall not submit any account for any amount to the patient in respect of insured services; and
- (c) the payment by the Plan for the insured services performed constitutes payment in full of the account therefor.

Notification
about leaving
Plan

(4) A physician may at any time notify the General Manager in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the General Manager receives such notification.

Plan not to
pay directly

(5) The General Manager shall not make any payment in respect of the performance of insured services directly to any physician who does not submit his accounts therefor directly to the Plan under this section.

Transitional
provision
R.S.O. 1970,
c. 200

(6) Every physician who was submitting his accounts directly to the Plan under *The Health Services Insurance Act* immediately prior to this Act coming into force shall be considered to be one who is submitting his accounts directly to the Plan under this Act.

Form of
accounts

21.—(1) Every physician and practitioner shall submit his accounts for insured services performed by him in such form as the General Manager shall prescribe, whether such accounts are submitted directly to the Plan or are submitted to the patient.

Limitation
for payment
of accounts

(2) An account for insured services performed by a physician or a practitioner shall be submitted to the General Manager by the physician or the practitioner, or by the patient where the patient is billed directly, as the case may be, not later than six months after the insured services are performed but the General Manager may pay the account after that time where there are extenuating circumstances.

Duty of
General
Manager

22.—(1) Subject to section 24, the General Manager shall approve and assess claims for insured services, determine the amounts to be paid therefor and authorize the payment thereof in accordance with this Act and the regulations.

Refusal or
reduction
of claims

(2) Where, in respect of insured services rendered by a physician or practitioner, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

23.—(1) Where there is a dispute regarding a decision by the General Manager that an insured person is not entitled to an insured service in a hospital or health facility because such service is not medically necessary, the General Manager, upon receiving notice of such dispute, shall refer the matter to the Medical Eligibility Committee. When services not medically necessary

(2) The Medical Eligibility Committee shall consider the facts relevant to the disputed decision, including any medical records and reports about the insured person and, when considered necessary by the Committee, interviewing the insured person and discussing the matter with him and his physician. Medical Eligibility Committee to consider

(3) After giving consideration to the matter, the Medical Eligibility Committee shall recommend to the General Manager either that he pay or that he refuse to pay, according to the findings of the Committee, the sum or sums claimed by the insured person to be payable to him or on his behalf, as the case may be, and that the General Manager approve or refuse to approve, in accordance with the recommendations of the Committee, the provision of the insured service or services that are in dispute and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee. Recommendations

24.—(1) Where the General Manager,

Refusal of claim

- (a) refuses an application to become or continue to be an insured person;

- (b) refuses an application for relief from or assistance in the payment of the premium;
- (c) refuses a claim for payment for insured services or reduces the amount so claimed,

the General Manager shall serve notice on the applicant or claimant of his decision, together with written reasons therefor.

Notice

(2) A notice under subsection 1 shall inform the applicant or claimant that he is entitled to a hearing by the Appeal Board if he mails or delivers to the General Manager and to the Appeal Board, within fifteen days after the notice is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Powers of
Appeal Board
where hearing

25.—(1) Where a person requires a hearing by the Appeal Board, the Appeal Board shall appoint a time for and hold the hearing and may by order direct the General Manager to take such action as the Appeal Board considers the General Manager should take in accordance with this Act and the regulations, and for such purposes the Appeal Board may substitute its opinion for that of the General Manager.

Extension of
time for
hearing

(2) The Appeal Board may extend the time for the giving of notice by a person requiring a hearing under this section, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Appeal Board may give such directions as it considers proper consequent upon the extension.

Parties

26. The General Manager, the applicant in the case of a refusal under clause *a* or *b* of subsection 1 of section 24, or the insured person and his physician or practitioner in the case of a refusal or reduction under clause *c* of subsection 1 of section 24, and such other persons as the Appeal Board may specify, are parties to proceedings before the Appeal Board.

Examination
of documen-
tary evidence

27.—(1) A person who is a party to proceedings before the Appeal Board shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Board mem-
bers not to
have investi-
gated prior to
hearing

(2) Members of the Appeal Board holding a hearing shall not have taken part, before the hearing, in any investigation

or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and with opportunity for all parties to participate, but the Appeal Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(3) The oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording evidence

(4) The findings of fact of the Appeal Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under section 15 or 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(5) No member of the Appeal Board shall participate in a decision of the Appeal Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Appeal Board shall be given unless all members so present participate in the decision. Only members at hearing to participate

(6) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Appeal Board within a reasonable time after the matter in issue has been finally determined. Release of documents, etc.

28.—(1) Any party to the proceedings before the Appeal Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to Supreme Court

(2) Where any party appeals from a decision or order of the Appeal Board, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Appeal Board and may exercise all powers of the Appeal Board to direct the General Manager Powers of court on appeal

to take any action which the Appeal Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the General Manager or of the Appeal Board, or the court may refer the matter back to the Appeal Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Furnishing
reasons to
professional
governing
body

29.—(1) Where a decision of the General Manager to refuse or reduce a payment on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 22 has become final, the General Manager shall furnish the Minister and the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the General Manager may furnish such governing body with a copy of the decision and the reasons therefor.

Insured
person not
liable for
amount that
account is
reduced

(2) Where the claim for an account for insured services of a physician or practitioner who is not submitting his accounts directly to the Plan is refused or reduced on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 22, the insured person is not liable to the physician or practitioner for the difference between the amount to which the General Manager reduces the account on such grounds and the amount that would otherwise be payable under the Plan, and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction.

Service
of notice

30. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom the notice is being given at his latest known address and, where notice is served by registered mail, the service shall be considered to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Proposed
revision of
O.M.A. sched-
ule of fees

31. At least six months before any proposed revision of the schedule of fees of the Ontario Medical Association, the Ontario Medical Association shall notify the Minister of the proposed revision and the Minister shall arrange and implement discussions with representatives of the said Association respecting the details and extent of any proposed changes in the schedule of fees.

32. Any amounts payable to or on behalf of an insured person under the Plan in respect of insured services provided by or in a hospital or health facility may be paid in the form of the payment by the Province of all or any part of the annual expenditures of such hospital or health facility, where such payment by the Province is authorized under any Act. Payment by contribution to annual expenditures

33.—(1) Every physician and practitioner who performs an insured service for an insured person shall provide the insured person, or the General Manager, with the particulars of his services and account that are required by this Act and the regulations or the General Manager for the purpose of payment of the claim. Particulars of account

(2) Every insured person shall be deemed to have authorized his physician or practitioner who performed insured services to provide the General Manager with such information respecting the insured services performed as the General Manager requires for the purposes of the Plan. Information authorized

(3) No action lies against a physician, practitioner, hospital or related health facility providing insured services or any member of his or its staff because of the furnishing to the General Manager information relating to insured services provided by him or it. Immunity for disclosure

34.—(1) Subject to subsections 2 and 3 and notwithstanding the repeal of *The Ontario Health Insurance Organization Act, 1971*, section 8 thereof continues to apply in respect of agreements or legally enforceable arrangements mentioned therein and in force on the 1st day of January, 1972. Continuation of provision for passing on savings 1971 (2nd Sess.) c. 5

(2) Where an employer is required under such agreement or arrangement to contribute all or any part of the premiums in respect of persons exempted from the payment of a premium under this Act or *The Ontario Health Insurance Organization Act, 1971*, the employer shall from the 1st day of January, 1972 or from the time the exemption is given, or whichever occurs latest, until the agreement is terminated, pay the amount of the contribution he was required to pay under such agreement or legally binding arrangement to or for the benefit of the person so exempted. Passing on saving where exempted from premium 1971 (2nd Sess.) c. 5

(3) In addition to any other remedy, the amount due an employee or a person under this section or section 8 of *The Ontario Health Insurance Organization Act, 1971* shall be deemed to be unpaid wages for the purposes of *The Employment Standards Act*. Recovery under R.S.O. 1970, c. 147

SUBROGATION

Subrogation **35.**—(1) Where, as the result of the negligence or other wrongful act or omission of another, an insured person suffers personal injuries for which he receives insured services under this Act, the Plan is subrogated to any right of the insured person to recover the cost incurred for past insured services and the cost that will probably be incurred for future insured services, and the General Manager may bring action in the name of the Plan or in the name of that person for the recovery of such costs.

Payment by Plan recoverable by insured (2) For the purposes of subsection 1, the payment by the Plan for insured services shall not be construed to affect the right of the insured person to recover the amounts so paid in the same manner as if such amounts are paid or to be paid by the insured person.

Cost of hospital services (3) For the purposes of this section, the cost of insured services rendered to an insured person in or by a hospital or health facility shall be at the rate charged by the hospital or health facility to a person who is not an insured person.

Subrogated claim included in action **36.**—(1) Any person who commences an action to recover for loss or damages arising out of the negligence or other wrongful act of a third party, to which the injury or disability in respect of which insured services have been provided is related shall, unless otherwise advised in writing by the General Manager, include a claim on behalf of the Plan for the cost of the insured services.

Recovery paid to Ontario (2) Where a person recovers a sum in respect of the cost of insured services, he shall forthwith pay the sum recovered to the Treasurer of Ontario.

Motor Vehicle Accident Claims Fund
R.S.O. 1970,
cc. 224, 281 **37.** The Plan is not an insurer within the meaning of *The Insurance Act*, as referred to in section 21 of *The Motor Vehicle Accident Claims Act*, and may be awarded payment from the Motor Vehicle Accident Claims Fund.

Judge to divide award **38.** The judge at trial shall, if the evidence permits, apportion the elements of the injured person's loss and damages so as to clearly designate the amount of the Plan's recovery for the past cost of insured services and separate it from the amount of the Plan's recovery of future cost of insured services, if any.

Release not to bind Plan **39.** No release or settlement of a claim for damages for personal injuries in a case where the injured person has

received insured services under this Act shall be binding on the Plan unless the General Manager has approved the release or settlement.

40. A liability insurer shall notify the General Manager of negotiations for settlement of any claim for damages including insured services and may pay to the Treasurer of Ontario any amount referable to a claim for recovery of the cost of insured services and such payment discharges the obligation of the liability insurer to pay that amount to the insured person. Insurer to pay Ontario

41. Where a judgment or settlement includes future cost of insured services, the Plan shall provide the future insured services included in the judgment or settlement. Future insured services

42. Where the Health Services Insurance Division or the Hospital Services Commission had a right of subrogation under *The Health Services Insurance Act* or *The Hospital Services Commission Act*, respectively, or the regulations thereunder immediately before the 1st day of April, 1972, such right of subrogation and all actions, causes of action and judgments relating thereto continue as a right of the Plan and the provisions of this Act and the regulations apply thereto. Continuation of subrogations R.S.O. 1970, c.c. 200, 209

GENERAL

43.—(1) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint in writing medical and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals and health facilities, offices of physicians and practitioners and other health care facilities respecting patients who are receiving or who have received insured services, and such medical and financial inspectors shall act only at the direction of the Medical Review Committee. Inspectors

(2) No person shall obstruct a medical or financial inspector in the performance of his duties under this Act and the regulations. Obstructions

44. (1) Each member of the Medical Review Committee, the Medical Eligibility Committee and the Appeal Board and each employee thereof, the General Manager and each person engaged in the administration of this Act and the regulations shall preserve secrecy with respect to all matters that come Information confidential

to his knowledge in the course of his employment or duties pertaining to insured persons and any insured services rendered and the payments made therefor, and shall not communicate any such matters to any other person except as otherwise provided in this Act.

Exceptions

(2) A person referred to in subsection 1 may furnish information pertaining to the date or dates on which insured services were provided and for whom, the name and address of the hospital and health facility or person who provided the services, the amounts paid or payable by the Plan for such services and the hospital, health facility or person to whom the money was paid or is payable, but such information shall be furnished only,

R.S.O. 1970,
cc. 268, 378,
361, 20

R.S.C. 1970,
cc. H-8, M-8,
C-34

(a) in connection with the administration of this Act, *The Medical Act, The Public Hospitals Act, The Private Hospitals Act, The Ambulance Act* or the *Hospital Insurance and Diagnostic Services Act* (Canada), the *Medical Care Act* (Canada) or the *Criminal Code* (Canada), or regulations made thereunder;

(b) in proceedings under this Act or the regulations;

(c) to the person who provided the service, his solicitor or personal representative, the executor, administrator or committee of his estate, his trustee in bankruptcy or other legal representative;

(d) to the person who received the services, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that person; or

(e) pursuant to a process issued in Ontario by a court of record or any other court ordering the removal of or the inspection of the information referred to in this subsection.

Statistical purposes

(3) The information referred to in subsection 1 may be published by the Ministry of Health in statistical form if the individual names and identities of persons who received insured services are not thereby revealed.

Exception for professional discipline

(4) The General Manager may communicate information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured services provided and

any diagnosis given by the person who provided the services to the statutory body governing the profession or to a professional association of which he is a member.

45. Members of the Medical Review Committee, the Medical Eligibility Committee, or the Appeal Board and employees thereof, the General Manager and persons engaged in the administration of this Act are not liable for anything done or made *bona fide* by them in the performance of their duties under this Act and the regulations. Protection from liability

46.—(1) Any person designated in writing by the General Manager may at any time enter the premises of an employer of a mandatory group or a collector under this Act and inspect the books of account, payroll records and other records for the purpose of obtaining information relating to the membership of the group. Inspections

(2) Every person, when requested to do so by a person designated under subsection 1, shall produce and permit inspection of the accounts and records and supply extracts therefrom. Access for inspection

(3) No person shall hinder or obstruct a person designated under subsection 1 in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. Obstruction of inspector

47.—(1) Subject to subsection 2, an employer or collector who fails to remit the premiums required to be remitted under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$2,000. Offence, failure to remit premiums

(2) Where an employer or collector is convicted of an offence under subsection 1, the provincial judge shall determine the amount of the premiums the employer failed to remit and shall make an order requiring the person convicted to remit the amount so determined to the General Manager. Order to pay premiums

(3) Every director or officer of a corporation who knowingly concurs in a failure to remit the premiums required to be remitted by the corporation under this Act is liable, jointly and severally with every other such officer and director, to make a payment ordered to be made under subsection 2. Liability of officers and directors

48. Where an employer or collector that is a corporation fails to remit the premiums required to be remitted under this Act, and, Liability of directors on winding up

(a) goes into liquidation ;

(b) is ordered to be wound up ;

R.S.C. 1970,
c. B-4

(c) makes an authorized assignment under the *Bankruptcy Act* (Canada) ; or

(d) has a receiving order under the *Bankruptcy Act* (Canada) made against it,

the directors thereof are jointly and severally liable for the payment of the amount of the premiums in default.

Offence
benefits by
fraud

49.—(1) No person shall knowingly obtain or attempt to obtain payment for or receive or attempt to receive the benefit of any insured service that he is not entitled to obtain or receive under this Act and the regulations.

Idem

(2) No person shall knowingly aid or abet another person to obtain or attempt to obtain payment for or receive or attempt to receive the benefit of any insured service that such other person is not entitled to obtain or receive under this Act and the regulations.

General
penalty

50. Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Regulations

51. The Lieutenant Governor in Council may make regulations,

- (a) providing for the enrolment of persons as insured persons and prescribing waiting periods therefor ;
- (b) prescribing who are dependants of insured persons for the purposes of this Act ;
- (c) prescribing the persons who shall be deemed employees for the purposes of section 15 and the employees who shall be members of a mandatory group ;
- (d) governing the collection, accounting for and remission of premiums by employers of mandatory groups and by collectors and requiring employers and collectors to furnish such information and returns as are prescribed ;
- (e) providing for the conditions under which a mandatory group shall continue notwithstanding its reduction in numbers and for the termination of mandatory and collectors' groups ;

- (f) providing for the continuation and termination of insurance coverage in respect of insured persons who cease to be eligible;
- (g) prescribing the qualifications for assistance in the payment of premiums and for determining the amount thereof;
- (h) prescribing the premiums that shall be paid by or on behalf of insured persons and specifying the time and manner of making such payments;
- (i) prescribing the services rendered in or by hospitals and health facilities and by practitioners that are insured services;
- (j) prescribing the amounts payable by the Plan for insured services rendered in or outside of Ontario in or by hospitals and health facilities and by physicians and practitioners and the conditions for their performance and for payment, but no schedule of payments shall be prescribed under this clause that disqualifies the Plan for contribution by the Government of Canada under the *Medical Care Act* (Canada).
- (k) prescribing services that shall be deemed not to be insured services for the purposes of this Act and the conditions under which the costs of any class of insured services are payable and limiting the payment commensurate with the circumstances of the performance of the services;
- (l) providing for the making of claims for payment of the cost of insured services and prescribing the information that shall be furnished in connection therewith;
- (m) prescribing the co-payments that shall be made by or on behalf of an insured person, in addition to the payment of the premiums, to qualify him to receive those insured services specified in the regulations as requiring co-payments;
- (n) providing for the times when and manner in which physicians may submit accounts directly to the Plan under section 20;
- (o) exempting any class of accounts from the application of section 20 or any provision thereof;
- (p) requiring as a condition to payment for insured services or any class thereof that they be provided

R.S.C. 1970,
c. M-8

in or by designated hospitals or health facilities or any class thereof;

- (q) prescribing facilities that are health facilities for the purposes of this Act in addition to those referred to in clause f of section 1;
- (r) prescribing procedures for the enforcement of and recovery under rights to which the Plan is subrogated and without restricting the generality of the foregoing,
 - (i) requiring the insured person and his solicitor to act on behalf of the Plan in any action,
 - (ii) requiring such notices as are prescribed,
 - (iii) providing for the terms and conditions under which an action to enforce such rights may be begun, conducted and settled,
 - (iv) prescribing the portion of the costs of an insured person incurred in an action for the recovery of such rights that shall be borne by the Plan;
- (s) assigning additional duties to the General Manager, the Medical Review Committee, the Medical Eligibility Committee and the Appeal Board;
- (t) prescribing forms for the purposes of this Act and providing for their use.

MENTAL ILLNESS

Interpre- tation

R.S.O. 1970,
cc. 363, 68, 69,
74, 269, 270

52.—(1) In this section, “hospital” means a sanitarium licensed under *The Private Sanitaria Act* that is approved by the Minister for the purposes of this section, a children’s mental health centre under *The Children’s Mental Health Centres Act*, a hospital under *The Children’s Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act*, a psychiatric facility under *The Mental Health Act*, or an institution designated an approved home or residential unit under *The Mental Hospitals Act*.

Insured person entitled

(2) An insured person who is entitled to insured services under this Act and the regulations and who is admitted to a hospital under this section is entitled to such services as are required for his maintenance, care, diagnosis and treatment in accordance with this Act and the regulations without being required to pay or have paid on his behalf any additional

premium or other charge beyond that necessary to entitle him to insured services under the Plan.

(3) Notwithstanding subsection 2, an insured person in ^{Exceptions} respect of whom, but for this Act, the Government of Canada would have assumed the cost of the maintenance, care, diagnosis and treatment provided under this section is not entitled to receive insured services in a hospital as an insured person.

(4) The General Manager shall keep the accounts, if any, ^{Accounts} of insured persons who receive hospital services under this section separate from the accounts of patients who receive insured services under the Plan.

(5) Where, as the result of negligence or other wrongful act ^{Subrogation} or omission of another, an insured person suffers personal injuries for which he receives services under this section, the Plan is subrogated to any right of the insured person to recover the cost incurred for such services, past or future, and the provisions of this Act and the regulations applying to subrogation of the Plan for the cost of insured services apply, *mutatis mutandis*, to subrogation of the Plan for the cost of services under this section.

53.—(1) The following are repealed:

^{Repeals}

1. *The Health Services Insurance Act*, being chapter 200 of the Revised Statutes of Ontario, 1970.
2. *The Health Services Insurance Amendment Act, 1971*, being chapter 85.
3. *The Health Services Insurance Amendment Act, 1971*, being chapter 6 of the 2nd Session.
4. *The Hospital Services Commission Act*, being chapter 209 of the Revised Statutes of Ontario, 1970.
5. *The Hospital Services Commission Amendment Act, 1971*, being chapter 7 of the 2nd Session.
6. *The Ontario Health Insurance Organization Act, 1971*, being chapter 5 of the 2nd Session.

(2) Subject to section 42, the Minister is the successor to the ^{Minister succeeds} Commission constituted by *The Hospital Services Commission Act, 1956*, the Commission established by *The Ontario Health Insurance Organization Act, 1971*, the Health Services Insurance Division of the Ministry of Health and the Health Insurance Registration Board in respect of all matters and shall obtain the benefit of and be bound by all rights, matters and agreements to which the aforesaid Commission, Health ^{OHSC} ^{HSID} ^{HIRB}

Services Insurance Division and Health Insurance Registration Board were parties or were entitled or bound immediately before the 1st day of April, 1972.

Commence-
ment

54.—(1) This Act shall be deemed to have come into force on the 1st day of April, 1972.

Commence-
ment of
regulations

R.S.O. 1970,
c. 410

(2) Any regulations made under section 51 and filed under *The Regulations Act* before the 1st day of July, 1972 may be made to apply retroactively to a date not earlier than the 1st day of April, 1972.

Short title

55. This Act may be cited as *The Health Insurance Act, 1972*.

CHAPTER 92

An Act respecting the Ministry of Health

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Health;
- (b) "health facility" means a health facility as defined in *The Health Insurance Act, 1972*;
- (c) "Minister" means the Minister of Health;
- (d) "Ministry" means the Ministry of Health;
- (e) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;
- (f) "practitioner" means a person other than a physician who is lawfully performing health services in the place where they are rendered;
- (g) "regulations" means the regulations made under this Act.

1972, c. 91

2. The Ministry of Health is continued.

Ministry
continued

3.—(1) The Minister shall preside over and have charge of the Ministry and all its functions.

Minister,

(2) The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Administra-
tion of Acts

4. The Deputy Minister shall perform such duties and functions as are assigned to him by the Lieutenant Governor in Council or the Minister.

Deputy
Minister

Staff

R.S.O. 1970,
c. 386

5. Such officers and other employees may be appointed under *The Public Service Act* as are required from time to time for the proper conduct of the business of the Ministry.

Duties and
functions
of Minister

6.—(1) It is the function of the Minister and he has power to carry out the following duties:

- (a) to advise the Government in respect of the health of the people of Ontario;
- (b) to oversee and promote the health and the physical and mental well-being of the people of Ontario;
- (c) to be responsible for the development, co-ordination and maintenance of comprehensive health services and a balanced and integrated system of hospitals, extended care facilities, nursing homes, laboratories, ambulances and other health facilities in Ontario;
- (d) to enter into agreements for the provision of health services and equipment required therefor and for the payment of remuneration for such health services on a basis other than fee for service;
- (e) to institute a system for payment of amounts payable under *The Health Insurance Act, 1972* in the form of payment by the Province of all or any part of the annual expenditures of hospitals and health facilities;
- (f) to establish and operate, alone or in co-operation with one or more persons or organizations, institutes and centres for the training of hospital and health service personnel;
- (g) to govern the care, treatment and services and facilities therefor provided by hospitals and health facilities and assess the revenues required to provide such care, treatment and services;
- (h) to control charges made to all patients by hospitals and health facilities;
- (i) to authorize and provide financial support, alone or in co-operation with one or more persons or organizations, on a periodic basis or otherwise, for the establishment and operation of corporations to supply centralized services and commodities to hospitals, extended care facilities, nursing homes, and health facilities and to others associated with health workers and the health field generally and enter

1972, c. 91

into agreements necessary therefor, and enter into agreements with hospitals, extended care facilities, nursing homes, and other health facilities and other persons on such terms and conditions and for such periods as the Minister considers advisable to assist in financing all or any part of the cost of such centralized services and commodities or for any other purpose incidental to the foregoing;

- (j) to convene conferences and conduct seminars and educational programs respecting health matters.

(2) The Minister in exercising his powers and carrying out his ^{Idem} duties and functions under this Act,

- (a) shall inquire into and determine the hospital and health facilities, services and personnel required to meet the health needs of the people of Ontario;
- (b) shall promote and assist in the development of adequate health resources, both human and material, in Ontario;
- (c) may initiate, promote, conduct and maintain surveys, scientific and administrative research programs and planning studies into any matters relating to the health needs of Ontario and obtain statistics for purposes of the Ministry;
- (d) may collect such information and statistics respecting the state of health of members of the public, health resources, facilities and services and any other matters relating to the health needs or conditions affecting the public as are considered necessary or advisable, and publish any information so collected; and
- (e) may recommend to the Government the methods and programs by which the health needs of the people of Ontario can be met.

7. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario make agreements with municipalities or other persons or corporations respecting the provision of hospitals and health facilities, and services and personnel thereof. ^{Agreements for provision of health facilities, etc.}

8.—(1) There shall be a senior advisory body to the Minister on health matters, known as the Ontario Council of Health, consisting of a full-time Chairman and such other ^{Ontario Council of Health}

persons numbering not fewer than sixteen, as are appointed by the Lieutenant Governor in Council. "

Duties

(2) It is the duty of the Council to advise the Minister on health matters and needs of the people of Ontario and to perform such other duties as are referred to it by the Minister.

**Appointment
of advisory
committees**

9. The Lieutenant Governor in Council or the Minister may appoint committees to perform such advisory functions as are considered necessary or desirable in order to assist the Minister in the discharge of his duties.

**Grants, loans
and purchases**

10. The Minister may, out of the moneys appropriated by the Legislature therefor,

- (a) make grants to universities and any non-profit organizations for research and training of persons for the health sciences in such amounts and upon such terms and conditions as the regulations prescribe;
- (b) provide bursaries and loans for educational and training purposes in respect of health to such persons, in such amounts and upon such terms and conditions as the regulations prescribe;
- (c) make grants for developing health resources to such persons and organizations and upon such terms and conditions as the regulations prescribe;
- (d) make grants or loans to schools approved by the Minister for the education of nurses, technicians and other related health personnel for work in hospitals, extended care facilities, nursing homes, and health facilities, and such grants or loans may be paid either directly to the school if the school is a corporation or to the board of a hospital under whose supervision the school is operated, upon such terms and conditions as the regulations prescribe;
- (e) purchase any corporation, organization, establishment or undertaking related to or useful for the Ontario Health Insurance Plan or the delivery of hospital, ambulance or other health services and any real and personal property connected therewith.

**Approval
of sales**

11. No land, building or other premises or place or any part thereof acquired or used for the purposes of a regional school of nursing, institute or training centre approved by the Minister for the education of registered nurses, registered

nursing assistants, medical laboratory technicians, radiological technicians, ambulance personnel or any other health care personnel for which a grant or loan has been made by the Government shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Minister.

12. Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations, ^{Regulations}

- (a) to prescribe and govern the standards for the facilities for providing care, treatment and services in hospitals and health facilities;
- (b) providing for the transportation of patients from one hospital or health facility to another hospital or health facility;
- (c) providing for the transportation of organs, biologicals and surgical and other health care supplies and equipment;
- (d) requiring and providing for the approval by the Minister of regional and district councils for planning health and hospital services and their structure, functions and duties;
- (e) prescribing the proportions of standard ward, semi-private and private accommodation that shall be provided in individual hospitals and health facilities;
- (f) respecting the grants, loans and bursaries mentioned in section 10, prescribing classes of such grants, loans and bursaries and the methods of determining the amounts of such grants, loans and bursaries and providing for the manner and times of payment and the suspension and withholding of any payments and for the making of deductions from such grants, loans and bursaries, and the manner and times of repayment of such loans;
- (g) designating facilities or classes of facilities that are health facilities for the purposes of this Act.

13. The Minister after the close of each year shall submit ^{Annual report} to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Repeals

14.—(1) The following are repealed:

1. *The Ministry of Health Act*, being chapter 114 of the Revised Statutes of Ontario, 1970.
2. *The Ministry of Health Amendment Act, 1972*, being chapter 35.
3. Section 77 of *The Government Reorganization Act, 1972*, being chapter 1.

Amendment
of references
to OHSC

(2) A reference in any Act or regulation to the Ontario Hospital Services Commission shall be deemed to be a reference to the Minister of Health.

Commence-
ment

15. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

16. This Act may be cited as *The Ministry of Health Act, 1972*.

CHAPTER 93

An Act to amend The Ambulance Act

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Ambulance Act*, being chapter 20 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1 (c), re-enacted}

(c) “Board” means the Health Facilities Appeal Board established by this Act.

(2) Section 1 of the said Act is amended by adding thereto the following clause: ^{s. 1, amended}

(ea) “Ministry” means the Ministry of Health.

2. Section 2 of the said Act is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”. ^{s. 2, amended}

3. Subsection 2 of section 3 of the said Act is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”. ^{s. 3 (2), amended}

4.—(1) Subsection 1 of section 4 of the said Act is amended by striking out “It is the function of the Commission and it has power” in the first line and inserting in lieu thereof “It is the duty of the Minister and he has power”. ^{s. 4 (1), amended}

(2) Clause *e* of subsection 1 of the said section 4 is amended by striking out “Commission” in the third line and inserting in lieu thereof “Ministry”. ^{s. 4 (1) (e), amended}

(3) Clause *f* of subsection 1 of the said section 4 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”. ^{s. 4 (1) (f), amended}

s. 4 (2),
amended

(4) Subsection 2 of the said section 4 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Minister".

s. 5, amended

5. Section 5 of the said Act is amended by striking out "Commission" in the fourth line and inserting in lieu thereof "Minister".

s. 7a,
enacted

6. The said Act is amended by adding thereto the following section:

Health
Facilities
Appeal Board

7a.—(1) The Health Facilities Appeal Board is established and shall be composed of five members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Quorum

(2) Three members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Members

(3) No employee of the Government of Ontario or of any agency of the Crown shall be appointed a member of the Board.

Remuneration

(4) The members of the Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

s. 9a (1),
amended

7.—(1) Subsection 1 of section 9a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out "Commission" in the fifth line and in the sixth line and inserting in lieu thereof in each instance "Board".

s. 9a (2),
amended

(2) Subsection 2 of the said section 9a is amended by striking out "Commission" in the first and second lines and inserting in lieu thereof "Board".

s. 10 (2),
amended

8.—(1) Subsection 2 of section 10 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out "Commission" in the third line and in the sixth line and inserting in lieu thereof in each instance "Board".

s. 10 (3),
amended

(2) Subsection 3 of the said section 10 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Board".

(3) Subsection 4 of the said section 10 is amended by striking ^{s. 10 (4),} amended out “Commission” in the second line, in the third line, in the seventh line and eighth line and in the tenth line and inserting in lieu thereof in each instance “Board”.

(4) Subsection 5 of the said section 10 is amended by ^{s. 10 (5),} amended striking out “Commission” in the first line and inserting in lieu thereof “Board”.

(5) Subsection 6 of the said section 10 is amended by ^{s. 10 (6),} amended striking out “Commission” in the first line and in the eighth line and inserting in lieu thereof in each instance “Board”.

(6) Clause *b* of subsection 7 of the said section 10 is ^{s. 10 (7) (b),} amended amended by striking out “Commission” in the fourth line and in the fifth and sixth lines and inserting in lieu thereof in each instance “Board”.

9.—(1) Subsection 1 of section 11 of the said Act, as re- ^{s. 11 (1),} amended enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out “Commission” in the third line and in the fourth line and inserting in lieu thereof in each instance “Board”.

(2) Subsection 4 of the said section 11 is amended by striking ^{s. 11 (4),} amended out “Commission” in the first line and in the eighth and ninth lines and inserting in lieu thereof in each instance “Board”.

(3) Subsection 5 of the said section 11 is amended by striking ^{s. 11 (5),} amended out “Commission” in the first line and inserting in lieu thereof “Board”.

(4) Subsection 6 of the said section 11 is amended by ^{s. 11 (6),} amended striking out “Commission” in the first line and inserting in lieu thereof “Board”.

(5) Subsection 7 of the said section 11 is amended by striking ^{s. 11 (7),} amended out “Commission” in the first line, in the second line and in the sixth line and inserting in lieu thereof in each instance “Board”.

10.—(1) Subsection 1 of section 16 of the said Act, as ^{s. 16 (1),} amended amended by the Statutes of Ontario, 1971, chapter 50, section 5, is further amended by striking out “Commission” in the second line and in the fourth line and inserting in lieu thereof in each instance “Board”.

(2) Subsection 2 of the said section 16 is amended by striking ^{s. 16 (2),} amended out “Commission” in the third line and inserting in lieu thereof “Board”.

s. 18 (1),
amended

11. Subsection 1 of section 18 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".

s. 21,
re-enacted

12. Section 21 of the said Act is repealed and the following substituted therefor:

Payment of
co-payment
by municipi-
pality
R.S.O. 1970,
c. 192

21. Where a patient in a hospital is a person who is receiving general assistance from a municipality under *The General Welfare Assistance Act*, or is the dependant of any such person and is transported to or from the hospital in an ambulance, the municipality is also liable for and shall pay to the hospital that person's share of the ambulance services operator's fee as prescribed by the regulations.

s. 22 (1),
amended

13.—(1) Subsection 1 of section 22 of the said Act is amended by striking out "Commission" in the second line and inserting in lieu thereof "Minister".

s. 22 (1) (c),
amended

(2) Clause *c* of subsection 1 of the said section 22 is amended by striking out "Commission" in the fourth line and inserting in lieu thereof "Minister".

s. 24,
amended

14. Section 24 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".

Commence-
ment

15. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

16. This Act may be cited as *The Ambulance Amendment Act, 1972*.

CHAPTER 94

**An Act to amend
The Sanatoria for Consumptives Act**

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Parts I, II, III, IV and V and sections 52, 53 and 54 of Part VI of *The Sanatoria for Consumptives Act*, being chapter 422 of the Revised Statutes of Ontario, 1970, are repealed. Parts I-V (ss. 2-44), ss. 52-54, repealed

2. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commence-
ment

3. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1972*. Short title

CHAPTER 95

An Act respecting Municipal Elections

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pre-
tation

1. "advance poll" means a poll held under section 64;
2. "assessment commissioner" in relation to a municipality means the assessment commissioner appointed under *The Assessment Act* for the assessment region in which the municipality is situate; R.S.O. 1970, c. 32
3. "assistant returning officer" means a person appointed by the clerk to assist him in the conduct of the election;
4. "assistant revising officer" means a person appointed by the clerk to assist him in the revision of the list of electors;
5. "candidate" means a person who is nominated for election to office in accordance with this Act and whose nomination is certified by the clerk;
6. "clerk" with respect to a municipality means the clerk of the municipality;
7. "constable" means a constable or a person appointed as a constable by the clerk or the deputy returning officer to maintain peace and order at an election;
8. "corrupt practice" means any act or omission in connection with an election in respect of which an offence is provided under the *Criminal Code* (Canada) or which is a corrupt practice under this Act; R.S.C. 1970, c. C-34
9. "deputy returning officer" means a deputy returning officer appointed for a polling place under this Act;

10. "election" means an election governed by this Act;
11. "election assistant" means a person appointed by the clerk to assist in the conduct of an election;
12. "election year" means a year in which a regular election is held in accordance with the provisions of this Act;
13. "elector" means a person entitled under this Act to vote in an election;
14. "enumerated" means enumerated under *The Assessment Act*;
15. "local board" means a local board as defined in *The Municipal Affairs Act*;
16. "locality" means territory without municipal organization that is deemed a district municipality under *The Secondary Schools and Boards of Education Act* and *The Separate Schools Act*;
17. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
18. "municipality" means a city, town, village or township;
19. "new election" means an election other than a regular election;
20. "nomination day" means the last day for filing nominations;
21. "oath" includes an affirmation;
22. "office" means an office, the election to which is governed by this Act;
23. "owner or tenant" means a person enumerated as owner or tenant of land separately assessed or liable to be separately assessed under *The Assessment Act*;
24. "polling day" means the day on which the poll is to be taken under this Act;
25. "polling list" means the list of electors for each polling subdivision revised and certified by the clerk;

R.S.O. 1970,
c. 32

R.S.O. 1970,
c. 118

R.S.O. 1970,
cc. 425, 430

26. "polling subdivision" means a polling subdivision established by the clerk under this Act;
27. "preliminary list" means a preliminary list of electors;
28. "prescribed" means prescribed by the Minister;
29. "public school elector" means an elector who is not a separate school elector;
30. "quorum" means a majority of the members of council or of a local board or the trustees of a police village, as the case may be;
31. "regular election" means an election required to be held biennially under section 10 of this Act;
32. "residence", and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:
 - (a) The place where a person's family resides shall be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.
 - (b) The place where a person occupies a room or part of a room as a regular lodger or to which he habitually returns not having any other permanent lodging place, shall be deemed to be his residence;
33. "scrutineer" means any person appointed as a scrutineer by a candidate under section 6 or by a council under section 7;
34. "separate school elector" means an elector who is a Roman Catholic separate school supporter or who is a Roman Catholic and the wife or husband of such supporter and any person entitled to be a separate school elector under *The Separate Schools Act*.

R.S.O. 1970,
c. 430

APPLICATION OF ACT

2.—(1) Notwithstanding any other general or special Act, but subject to subsection 2, this Act applies to and governs all elections, ^{Application of Act}

(a) to the offices of,

- (i) member of the council of a municipality,
- (ii) member of the council of a regional municipality where such office is required to be filled by a vote of the electors of an area municipality,
- (iii) trustee of a police village,
- (iv) member of a local board whose members are to be elected at elections required by law to be conducted by the same officers and in the same manner as elections of members of the council of a municipality;

(b) to obtain the assent of electors on any by-law required or authorized by law to be submitted for their assent at an election; and

(c) to obtain the opinion of the electors on any question required or authorized by law to be submitted to the electors at an election except a question under *The Liquor Licence Act*.

R.S.O. 1970,
c. 250

Application
to newly
created
regional
municipalities

(2) This Act does not apply to the first elections of the members of the council of a regional municipality or an area municipality therein or of the local boards thereof where the Act creating the regional municipality otherwise provides.

ELECTION OFFICIALS

Returning
and
revising
officer

3.—(1) Subject to subsections 2 and 3, the clerk of a municipality is the returning officer and revising officer for the purpose of the conduct of elections within the municipality or a part thereof.

Returning
officer in
police
village

(2) For the purpose of elections of trustees of a police village, the clerk of the municipality in which the police village is located shall be the returning officer for the election and where the police village is located in two or more municipalities,

(a) the nominations for trustees shall be filed with the clerk of the municipality having the largest number of electors of the police village who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates; and

- (b) the clerk of each other municipality in which part of the police village is located shall be the returning officer for the vote to be recorded in his municipality and he shall forthwith report the vote recorded to the returning officer referred to in clause *a* who shall prepare the final summary and announce the vote.

(3) The clerks of municipalities to which subsections 21, 25 and 27 of section 38 of *The Secondary Schools and Boards of Education Act* and subsections 19 and 21 of section 90 of *The Separate Schools Act* apply shall perform the duties as returning officers for the purposes of an election under this Act as are specified in those provisions.

Clerks,
duties in
relation to
school
boards

R.S.O. 1970,
cc.425, 430

4.—(1) The clerk of every municipality shall for the purposes of an election appoint a deputy returning officer and a poll clerk for each polling place established in the municipality and, as far as is practicable, the deputy returning officers and poll clerks shall be appointed for polling places for the polling subdivisions in which they reside.

D.R.O. and
poll clerk

(2) If a deputy returning officer or poll clerk signifies to the clerk that he will not act, the clerk shall appoint another person to act in his place.

Where
unable
to act

(3) If a deputy returning officer or poll clerk does not attend at the opening of the poll, the clerk shall appoint another person to act in his place.

Non-
attendance
of D.R.O.,
poll clerk

(4) If a deputy returning officer through illness or for any other reason becomes unable to perform his duties on polling day, the poll clerk shall perform his duties and exercise all his powers unless the clerk appoints some other person as deputy returning officer for the polling place.

Poll clerk
to act for
D.R.O.

(5) The clerk may appoint election assistants, assistant returning officers, and assistant revising officers to assist him in the performance of his duties and provide for such clerical and other assistance as is necessary for such purpose.

Assistants

(6) The poll clerk and an election assistant, if any, shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders.

Duties of
poll clerk

(7) Every deputy returning officer, poll clerk, election assistant, assistant returning officer, assistant revising officer, scrutineer, constable and other person authorized to attend at a polling place shall, before entering upon his duties, take and subscribe an oath in the prescribed form.

Oath

Oath of
D.R.O.

(8) The appointment and oath of the deputy returning officer under subsection 7 shall be endorsed upon or attached to the poll book for the polling place for which he is appointed.

Who may
administer
oaths

5.—(1) Except where otherwise provided, an oath may be administered by any person authorized by law to administer oaths in the Province of Ontario.

Idem

(2) The clerk may administer any oath required by this Act, and deputy returning officers and poll clerks may administer any such oath except an oath to be taken by the clerk.

No charge

(3) Every person administering an oath under or for the purposes of this Act shall administer the oath gratuitously.

Scrutineers
appointed by
candidate

6.—(1) Each candidate may appoint such number of persons who are at least sixteen years of age as he considers advisable as scrutineers to represent him in a polling place and at the counting of votes under this Act.

Limit on
number
present

(2) Not more than one scrutineer representing each candidate may be present for any of the purposes specified in subsection 1 at any time.

Scrutineers
appointed
by council

7.—(1) The council of a municipality may, if requested to do so, by resolution appoint as scrutineers in relation to voting on any by-law or question submitted to the electors at an election two persons to attend at the final summing up of the votes by the clerk and two persons to attend at each polling place, one such person in each case on behalf of the persons interested in and desirous of promoting the proposed by-law or voting in the affirmative on the question and the other such person on behalf of the persons interested in and desirous of opposing the proposed by-law or voting in the negative on the question.

Production of
appointment

(2) A person appointed as a scrutineer under this section before being admitted to a polling place shall, if so requested, produce and show his appointment to the deputy returning officer for the polling place.

COSTS OF ELECTION

Cost of
election

8.—(1) Except where otherwise specifically provided by this or any other special or general Act, the cost of an election shall be borne by the municipality in which it is held.

Expenses
of officers

(2) The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot paper, and balloting compart-

ments, and for the transmission of packets, and reasonable fees and for allowances for services rendered under this Act or otherwise on account of an election shall be paid by the treasurer of the municipality to the persons entitled thereto.

(3) Where the clerk of a municipality is required to conduct an election of members of a local board other than at a regular election, the board shall forthwith after its organization reimburse the treasurer of the municipality for the cost of employing deputy returning officers, poll clerks and other election officials and for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places for nomination and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable costs including the cost of printing and distribution of but not preparation otherwise of the polling list. Expenses of by-election of local board

TERM OF OFFICE

9.—(1) Notwithstanding any other general or special Act and except where otherwise specifically provided in this Act, the term of office of all offices, the election to which is governed by this Act, shall be two years, commencing on the first day of January in the year following an election year. Two-year term

(2) The holders of offices hold office until their successors are elected and the newly elected council or local board is organized. Until new council organized

BIENNIAL ELECTIONS

10.—(1) Subject to subsections 2 and 3, an election shall be held in accordance with this Act in each municipality in the year 1972 and in every second year thereafter for the purpose of electing persons to offices. Election year

(2) Where the term of office of a member of a council or of a local board terminates at the end of the year 1973, no election shall be held under this Act for that office in the year 1972, but an election for such office shall be held in accordance with this Act on the first Monday in December, 1973, and the persons elected at such election shall be elected for the year 1974 only. Where present term terminates in 1973

(3) Where the term of office of a member of a council or of a local board elected before the coming into force of this Act terminates at the end of the year 1974, no election shall be held for that office in the year 1972. where present term terminates in 1974

Vote on
question,
etc.

(4) Where a by-law requires the assent or a question is authorized or required to be submitted to obtain the opinion of the electors, the vote thereon shall be taken at the next regular election unless otherwise provided by order of the Ontario Municipal Board.

POLLING DAY

Polling
day

11. Polling day in a regular election shall be the first Monday in December in each election year.

QUALIFICATION OF ELECTORS

Electors,
resident

12. A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and if, at any time during the period of enumeration under section 18, he is,

- (a) resident in such municipality;
- (b) a Canadian citizen or other British subject; and
- (c) of the full age of eighteen years.

Non-
resident

13. A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and is not resident in such municipality at any time during the period of enumeration under section 18 but is at any time during such period,

- (a) the owner or tenant of land in the municipality or the spouse of such an owner or tenant;
- (b) a Canadian citizen or other British subject; and
- (c) of the full age of eighteen years.

Evidence of
citizenship

14. For the purpose of sections 12 and 13, a statutory declaration by a person claiming that he is a Canadian citizen or other British subject is *prima facie* proof of the fact declared to.

QUALIFICATION OF ELECTORS TO VOTE ON MONEY BY-LAWS

Who may
vote on
money
by-laws

15. Every person entitled to be an elector in a municipality under section 12 or 13 is entitled to be an elector to vote on a money by-law submitted for the assent of the electors of the municipality if, he is,

- (a) the owner of land assessed in the municipality; or
- (b) the tenant of land assessed in the municipality under a lease which extends for the time for which the debt or liability to be created or in which the money to be raised by the proposed by-law is payable or for twenty-one years and under which he covenants to pay all municipal taxes in respect of the land other than local improvement rates and he makes and files with the clerk not later than the last day for making complaints for revision of the preliminary list a declaration stating that he is such a tenant.

16.—(1) A corporation that is the owner of land assessed in a municipality on the last assessment roll or is a tenant of such land under a lease that complies with the requirement of clause *b* of section 15 is entitled to nominate a person who is qualified to be an elector under section 12 or 13, to be an elector to vote on a proposed money by-law submitted for the assent of the electors of the municipality. ^{Corporate nominee}

(2) A corporation that is the owner of residential property in a municipality consisting of units or apartments that are owned on a co-operative basis may nominate a person who is qualified to be an elector under section 12 or 13, to be an elector to vote on proposed money by-laws submitted for the assent of the electors in the municipality for each such unit or apartment that is separately assessed on the latest assessment roll for the municipality. ^{Idem}

(3) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a proposed money by-law, it shall, not later than the day for filing complaints for the revision of preliminary lists as hereinafter provided, file with the clerk of the municipality an appointment in writing of a person to vote on a proposed money by-law as its nominee and on its behalf. ^{Appointment to be filed}

POLLING SUBDIVISIONS

17.—(1) Subject to the provisions of subsection 2, the clerk shall divide the municipality into polling subdivisions and shall not later than the first day of June in an election year inform the assessment commissioner of the boundaries of each subdivision. ^{Polling subdivisions}

(2) A polling subdivision shall not, ^{Size}

- (a) so far as is practicable, contain more than 350 electors; or

- (b) extend beyond the boundaries of one ward or of an electoral district established for the purposes of the election of members to the Assembly.

PREPARATION OF PRELIMINARY LIST OF ELECTORS

Preliminary
list of
electors

18. An assessment commissioner shall, during the period commencing on the Tuesday following the first Monday in September and ending on the second Tuesday of October in an election year, from an enumeration taken during that period, compile for each polling subdivision in each municipality and locality in his assessment region a list containing the name and address of each person who during such period meets the requirements for an elector under section 12 or 13 and such list shall signify opposite the name of an elector,

- (a) who does not reside in the municipality, that he does not so reside;
- (b) who is enumerated as a Roman Catholic separate school supporter, that he is a separate school elector;
- (c) who is a Roman Catholic and the spouse of a Roman Catholic separate school supporter, that such spouse is a separate school elector;
- (d) who is enumerated as a separate school elector in accordance with *The Separate Schools Act*, that he is a separate school elector;
- (e) who is an owner or tenant of land in the municipality, that he is such an owner or tenant.

R.S.O. 1970,
c. 430

For polling
subdivision
where no
wards

19.—(1) In a municipality or locality that is not divided into wards, the name of an elector shall be entered on the preliminary list,

- (a) for the polling subdivision in which the elector resides; or
- (b) if the elector does not reside in the municipality or locality, for the polling subdivision in which he or his spouse is owner or tenant of land.

For one
polling
subdivision
only

(2) The name of an elector shall not be entered under this section on the preliminary list for more than one polling subdivision.

For polling
subdivision
where wards

20.—(1) In a municipality that is divided into wards, the name of an elector shall be entered in the preliminary list,

- (a) where he resides in the municipality, for the polling subdivision in which he resides; or
- (b) where he does not reside in the municipality, for a polling subdivision of a ward in which he or his spouse is the owner or tenant of land.

(2) The name of an elector shall not be entered under this section in the preliminary list for more than one polling subdivision.^{For one polling subdivision}

21. The assessment commissioner shall deliver the list of electors prepared by him under sections 18, 19 and 20 to the clerk and, in respect of a locality, to the secretary of the school board on or before the second Tuesday of October in an election year.^{List delivered to clerk}

PRELIMINARY LIST OF ELECTORS

22. Immediately after receipt of the list of electors from the assessment commissioner, the clerk shall cause the list to be printed or reproduced and such list shall be the preliminary list of electors.^{Printing of list}

REVISION OF PRELIMINARY LIST OF ELECTORS

23.—(1) Immediately after the printing or reproduction of the preliminary list of electors, the clerk shall,^{Revision of list}

- (a) fix the last day for filing with the clerk complaints for revision of the list for the purpose of making additions or corrections to or deletions from it and the places at which and the times when revision of the list will be commenced;
- (b) post one copy of the list in a conspicuous place in his office and one copy of the list for each polling subdivision in a conspicuous place in the polling subdivision for which it is prepared; and
- (c) publish notice in a newspaper having general circulation in the municipality, of the date of the posting of the list, the last day for filing complaints, and the places and times at which the revision of the list will be commenced and, where there is no such newspaper, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality.

(2) The day of posting copies of the preliminary list and of publishing the notice under subsection 1 shall be at least eight days before the last day for filing complaints.^{Time for posting}

Notice
affixed
to list

(3) The clerk shall affix to the outside or cover of each copy of the preliminary list of electors for an election a notice in prescribed form, over his name,

- (a) stating that the list is a preliminary list of all electors for the election prepared as required by this Act;
- (b) setting forth the date on which the list was posted up in the office of the clerk;
- (c) giving notice to all electors to examine the list for the purposes of making additions or corrections to or deletions from the list; and
- (d) stating the last day for filing complaints concerning such additions, corrections or deletions.

Copies
of list

(4) At the time of posting a notice under subsection 1, the clerk shall deliver or mail one copy of the preliminary list to,

- (a) the assessment commissioner;
- (b) every member of the council of the municipality and every trustee of a police village all or part of which is in the municipality;
- (c) the secretary of every local board the members of which are required to be elected at an election to be conducted by the clerk;
- (d) the clerk of the council of the county or of the district, regional or metropolitan municipality in which the municipality is situate;
- (e) the clerk of the municipality responsible for conducting the elections in any combined area for school board purposes;
- (f) the member of the House of Commons and the member of the Assembly representing the electoral district in which the municipality or any part thereof is situate.

Candidates
entitled
to copies

(5) Every candidate for any office in an election is entitled to be furnished by the clerk with two copies of the preliminary list of electors entitled to vote in an election to such office.

Revision
of list

24.—(1) The clerk or an assistant revising officer shall attend at the revision of the preliminary list and shall con-

tinue to do so from day to day or as required until all complaints filed before the last day for filing complaints for revision of the list have been disposed of.

(2) Notwithstanding that the time for filing complaints for revision of the preliminary list under section 23 has not expired, the clerk may proceed to consider such complaints as from time to time may be received and may determine and dispose of them. When complaints may be considered

25.—(1) A person whose name has not been included in the preliminary list for a polling subdivision in a municipality or whose name has been included therein but the information relating to him set out therein is incorrect or whose name has been included therein as a non-resident and who is qualified to be an elector in more than one ward in the municipality may, personally or by his agent, apply to the clerk or assistant revising officer of the municipality on or before the date fixed by the clerk as the last day for filing complaints for revision of the list to have his name included in the list or to have such information corrected or to have his name deleted from the list and to have it entered in the list of another ward in which he or his spouse is the owner or tenant of land. Application to enter name in list or correct information

(2) Every person applying under this section shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk or assistant revising officer at the applicant's request, and before entering his name in the list or before correcting the preliminary list, as the case may require, the clerk or assistant revising officer shall satisfy himself that the applicant understands the effect of the statements in the application and that he is an elector entitled to have his name included in the list or to have the list corrected pursuant to his request. Application form

(3) When the language of an applicant under this section is not understood by the clerk or assistant revising officer, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused. Interpreter

(4) If it appears to the clerk or assistant revising officer that an applicant under this section understands the effect of the statements in the application and that the applicant is an elector whose name should be included in the polling list or that the amendment thereof that he requests should be made, he shall certify accordingly by signing the application. Decision to amend list

Refusal to
amend list

(5) If, in the opinion of the clerk or assistant revising officer, the statements made by an applicant in his application under this section do not show that the applicant is an elector entitled to have his name included in the polling list or to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form.

Application
for deletion
of name

26.—(1) At any time after the posting of the preliminary list of electors for a municipality and until the last day for filing complaints for revision thereof, any person may file with the clerk a complaint, in the prescribed form, for deletion from the list of the name of a person who is not entitled as an elector to have his name entered thereon.

Notice to
person
where name
objected to

(2) The clerk, upon receipt of a complaint under this section, shall forthwith cause to be served personally on or sent by registered mail to the person concerning whom the complaint is made at the address given in the preliminary list and at such other address, if any, as may be mentioned in the complaint, a notice requiring such person to appear in person or by his representative before him on a day to be fixed in the notice.

Copy of
complaint to
be served

(3) A copy of the complaint shall accompany a notice served or sent under this section.

Decision of
clerk, etc.

(4) On the day for the hearing fixed in a notice given under this section, the person filing the complaint shall attend before the clerk or assistant revising officer and establish to his satisfaction the validity of such complaint and the clerk or assistant revising officer after receiving an explanation of the facts alleged and after hearing what is alleged by the person concerning whom the complaint was made, may delete the name from the preliminary list if he is satisfied of the validity of the complaint.

Where person
objected to
does not
appear

(5) Where the person concerning whom a complaint has been made under this section does not attend before the clerk or assistant revising officer on the day of hearing fixed in the notice and the clerk or assistant revising officer is satisfied that due notice of complaint has been given to the person or that he could not be found and the registered notice could not be delivered, the clerk or assistant revising officer may delete the name of such person from the preliminary list of electors but shall not do so except upon evidence under oath which satisfies him that the name should not have been included in the list.

27. Subject to section 31 or 54, the decision of the clerk or ^{Decision final} assistant revising officer to enter on or delete the name of a person as an elector from the preliminary list of electors is final for the purposes of this Act.

28. Upon determination of all complaints for revision of the ^{Statement of changes} preliminary list of electors for a municipality filed on or before the last day for filing complaints for revision thereof, the clerk shall compile a statement of additions and changes to and deletions from the list and shall send a copy of such statement so certified to each person specified in subsections 4 and 5 of section 23

POLLING LIST

29.—(1) After compilation of the statement of additions, ^{Polling list} changes and deletions required under section 28, the clerk shall prepare the polling list of electors for each polling subdivision in his municipality by making the appropriate changes in the preliminary list in accordance with the statement and shall certify the list as so revised.

(2) The clerk shall, in preparing the polling list of electors under subsection 1, enter after the name of every elector who is a tenant and who has filed a declaration under section 15 that he is entitled to be an elector to vote on a money by-law the words "Entitled to vote on the by-law" and an elector shown as a tenant on the list without such words added after his name is not entitled to vote on the by-law. ^{Tenants entitled to vote on by-law}

(3) Where a corporation has appointed a nominee to vote on its behalf on a proposed money by-law in accordance with section 16, the clerk shall enter the name of the nominee in the polling list for the polling subdivision in which the corporation has its chief office in the municipality as a nominee of a corporation entitled to vote on the by-law in such polling subdivision and such nominee shall be deemed to be an elector so entitled to vote. ^{Nominee of corporation entered in list}

30. Except as provided in sections 31, 49 and 54 no person is entitled to vote at an election unless his name appears ^{Only persons in list entitled to vote} in the polling list certified under section 29 for the polling subdivision in which he tenders his vote.

31.—(1) If a person whose name is omitted from a polling list certified under section 29, at any time after preparation of the polling list and prior to the closing of the poll, satisfies the clerk of the municipality on oath that he was during the period of enumeration entitled to be an elector under section 12 or 13 and to have his name entered in a polling list for a polling subdivision in the municipality, the clerk may issue a ^{Entry of name in list by D.R.O.}

certificate in the prescribed form authorizing the deputy returning officer for such polling division to enter the name of the elector in the polling list for the subdivision and to permit such person to vote, but such vote must be cast before the closing of the poll.

Idem

(2) Where the name of a person is omitted from the polling list as finally revised and such person was during the period of enumeration otherwise qualified to be entered in the polling list except that he was not a Canadian citizen or other British subject or of the full age of eighteen years, if such person produces for the inspection of the clerk,

(a) where he was not a Canadian citizen or other British subject, his certificate of naturalization or other conclusive evidence that he has become a Canadian citizen or other British subject ; or

(b) where he was not eighteen years of age, his birth certificate or other conclusive evidence that he has become eighteen years of age,

the clerk may issue a certificate authorizing the proper deputy returning officer to enter the name of such person in the polling list to entitle him to vote as if his name had been entered therein before the list was revised.

Certificate
to be
produced

(3) A person is not entitled to vote under this section unless at the time he requests a ballot he produces and files with the deputy returning officer the certificate given by the clerk under subsection 1.

Copy to
assessment
commis-
sioner

(4) The clerk shall furnish a copy of each certificate issued under this section to the assessment commissioner.

NOMINATIONS

Who may be
nominated

32. Any person who is qualified to hold an office under the Act constituting the office may be nominated as a candidate for such office.

Nomination
day

33.—(1) Nomination day for a regular election shall be Monday, the twenty-first day before polling day.

Period for
nomination

(2) The period during which candidates in an election may be nominated shall be the four days immediately preceding nomination day and until 5 o'clock in the afternoon of nomination day.

Notice of
nomination
period

(3) The clerk shall publish, at least six days prior to the commencement of the period during which candidates in an

election may be nominated, notice of the time of commencement and closing of such period and of the offices for which candidates in the election may be nominated in a newspaper having general circulation in the municipality and, where there is no newspaper having a general circulation in the municipality, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality.

34.—(1) A candidate may be nominated for an office by the filing, during the period in which candidates may be nominated, in the office of the clerk during his normal office hours of a nomination paper in prescribed form, which, ^{How nominated}

- (a) shall be signed by at least ten electors whose names are entered in the polling lists of electors entitled to vote in an election to such office;
- (b) shall state the name, occupation and address of the candidate in such manner as will identify him and the office for which he is nominated; and
- (c) shall state the name and address of each elector signing the nomination paper and, where the office for which the candidate is nominated is a member of a school board, that such nominator is a public school elector or a separate school elector, as the fact is.

(2) No nomination is valid unless there is filed with the nomination paper a consent in writing to the nomination and a declaration of qualification in the prescribed form by the person nominated. ^{Consent and declaration to be filed}

(3) A nomination paper nominating a candidate for an office the holder of which is required to be elected by public school electors shall be signed by public school electors only. ^{Public school nominators}

(4) A nomination paper nominating a candidate for an office the holder of which is required to be elected by separate school electors shall be signed by separate school electors only. ^{Separate school nominators}

(5) Each candidate for election to an office shall be nominated by a separate nomination paper, but an elector may sign the nomination papers of different candidates. ^{Separate nomination papers}

(6) After a nomination paper is filed with the clerk it shall remain in the possession of the clerk. ^{Clerk to keep nomination paper}

(7) The onus is on the person nominated for election to an office to file a *bona fide* nomination paper. ^{Onus on person nominated}

Endorsation
by clerk

35.—(1) Where a nomination paper is filed in the office of a clerk, the clerk or his assistant returning officer shall endorse upon it the date and time of its filing.

Certificate
of clerk

(2) Where a nomination paper for a candidate for an office is filed in the office of a clerk prior to nomination day, the paper shall forthwith be examined by the clerk and, if he is satisfied that the requisite number of the nominators whose signatures appear on the nomination paper are electors entitled to vote for the office, he shall so certify in writing.

Posting

(3) As the nomination papers are certified by the clerk he shall cause the name, occupation and address of each candidate nominated and the office for which the candidate is nominated to be posted up in his office or other conspicuous place open to inspection by the public.

Where
filed on
nomination
day

(4) Where the nomination paper for a candidate for an office is filed in the office of a clerk on nomination day and before the time fixed for the close of nominations,

(a) the clerk shall accept the nomination paper and cause the name of the person nominated to be posted up in accordance with subsection 3;

(b) if, on examination of the nomination paper prior to 5 o'clock in the afternoon on the day following nomination day, it appears to the clerk that the requisite number of nominators whose signatures appear on the nomination paper are not electors entitled to vote for the office, he shall reject the nomination and give notice of the rejection immediately by registered mail to the person nominated and all candidates for that office, but if he is satisfied that the nominators meet such requirements, he shall so certify in writing.

Certification
by clerk

(5) Certification by the clerk in accordance with subsection 2 or 4 with respect to a nomination paper shall be conclusive evidence of the facts certified.

List of
candidates

(6) The clerk shall establish and maintain in his office a list setting out the name and residence of every candidate whose nomination has been certified under this section for the respective offices for which candidates may be nominated in the order of certification and copies of this list shall be prominently displayed in one or more locations immediately prior to the time fixed for the closing of nominations.

DEATH OF A CANDIDATE

36. If as a result of a candidate nominated for election to an office dying before the close of the poll for the election, Election on death of candidate

- (a) a person would be elected by acclamation to such office, the election to such office is void and a new election shall be held to fill such office; or
- (b) no person would be elected by acclamation to such office, the name of the deceased candidate shall be omitted from the ballots or if the ballots have already been printed, the clerk shall cause notice of the death of the candidate to be posted up in a conspicuous place in every polling place and the election shall be proceeded with as if the deceased candidate had not been nominated.

WITHDRAWAL OF NOMINATIONS

37.—(1) A person nominated as a candidate in an election may withdraw his nomination by instrument in writing, verified by his affidavit and delivered to the clerk before 5 o'clock in the afternoon of the day following nomination day. Withdrawal of nomination

(2) Where a person has been nominated for more than one office, he may withdraw in respect of one or more offices for which he is nominated by filing his withdrawal in writing with the clerk in his office before 5 o'clock in the afternoon of the day following nomination day and in default he shall be deemed to be nominated for the office for which he was first nominated and to have withdrawn his nomination for any other office. Where nominated in more than one office

ACCLAMATIONS

38.—(1) If no more candidates are nominated for any office than the number to be elected, the clerk shall forthwith after 5 o'clock on the afternoon of the day following nomination day declare that candidate or those candidates duly elected. Acclamation

(2) If more candidates are nominated for an office than the number to be elected but one or more candidates withdraws his nomination so that the number remaining is no more than the number required to be elected, the clerk shall forthwith after 5 o'clock on the afternoon of the day following nomination day declare the remaining candidate or candidates to be duly elected. Idem

Vacancy

(3) If the number of candidates declared to be elected to an office under subsection 1 or 2 is less than the number to be elected to such office so that there is a vacancy, a new election shall be held to fill the vacancy.

Where
quorum not
elected

(4) Where in any election the total number of members of the council of a municipality or of a local board, as the case may be, declared elected under this section and those elected as a result of the poll in the election is less than a quorum of the council or of the local board, the council or local board in office for the preceding year shall continue in office until a new election under subsection 3 is held and the number of members of the council or local board equals or exceeds the quorum.

NOTICE OF POLL

Poll
required

39.—(1) Where more candidates are nominated for election to an office than the number required to fill that office, the clerk shall hold a poll to elect the holder of that office.

Notice
of poll

(2) Notice of the time for the holding of the poll in an election, including the advance poll, shall be given by the clerk forthwith after it has been determined that a poll is required, by publishing in a newspaper having general circulation in the municipality and where there is no such newspaper, the notice shall be published in such manner as the clerk may direct, and shall be posted in at least two conspicuous places in the municipality.

VOTING BY BALLOT

Voting
by ballot

40.—(1) Where a poll is held in an election, the votes shall be given by ballot in prescribed form.

Voting
machines

(2) In place of using ballot papers under this Act, with approval of the Minister, the council of a municipality may by by-law authorize the use at an election of voting machines for one or more polling subdivisions.

PREPARATION AND FORM OF BALLOT

Ballots

41.—(1) A clerk who is required to hold a poll under section 39 shall prepare and cause to be printed a sufficient number of ballots in the prescribed form for use in the election.

Nomination
of candidate
must be
certified

(2) The name of a person shall not be included in a ballot as a candidate for office unless his nomination as a candidate for such office has been certified by the clerk under section 34.

(3) Subject to subsection 5, the names of the candidates shall be shown on a ballot in order of their surnames alphabetically arranged, with given names preceding the surnames, and with the surnames in bold type and the occupation of the candidate shall be stated.

Order of
names

(4) Where there are two or more candidates for election to an office whose given and surnames and occupations are identical or so nearly identical as to create the possibility of confusion, the address of all candidates for election to such office shall be shown on the face of the ballot for such office immediately under their names and in sufficient detail as to identify each candidate.

Where
addresses
to be shown

(5) Except as provided in subsection 4, no identification such as a title, honour, decoration or degree shall be included with any candidate's name on a ballot to be used in an election, but a name commonly called a nickname or any other name by which a candidate is commonly known may be used on the ballot as the name or part of the name of the candidate.

Nicknames
and titles

(6) There shall appear on the ballot to the right of each candidate's name a circle or a circular space suitable for the marking of the ballot.

Space for
indicating
vote

(7) All ballots for election to the same office shall be of the same description and as nearly alike as possible and the names and occupations, and the addresses if given, of the candidates shall be in one colour and the remainder of the face of the ballot shall be another colour, but different colours may be used for ballots to be used for election to different offices.

Ballots for
same office
to be
alike

(8) A ballot may contain instructions as to the number of candidates for which a voter may vote in the following words: "You are entitled to vote for candidates for this office".

Number for
which vote
may be
given

(9) The ballot papers for voting to obtain the assent or the opinion of electors on any by-law or question shall be in the prescribed form.

Ballots re
questions

42.—(1) For an election in a municipality in which the members of council are elected by wards, there shall be prepared one set of ballots for all the polling subdivisions containing the names of the candidates for the office of mayor, another set for all the polling subdivisions containing the names of the candidates for the office of reeve, or reeve and deputy reeve, and another set for each ward containing the names of the candidates for the office of alderman or councillor for the ward.

Wards in
municipality

General
vote in
city or town

(2) For an election in a city or town in which the members of council are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballots containing the names of the candidates for the offices of mayor, or mayor and reeve, or mayor, reeve and deputy reeve, and another set containing the names of the candidates for the office of alderman or councillor.

Borough in
Metro.
Toronto

(3) For an election in a township that constitutes a borough within The Municipality of Metropolitan Toronto, one set of ballots shall be prepared for all the polling subdivisions containing the names of the candidates for the office of mayor, another set of ballots for all the polling subdivisions containing the names of the candidates for the office of controller and another set for each ward containing the names of the candidates for the office of alderman.

Village or
township

(4) For an election in a village or township there shall be prepared one set of ballots containing the names of the candidates for the office of reeve or of reeve and deputy reeve, and for the office of councillor.

By-law
providing
for separate
sets

(5) The council of a town may by by-law provide that the ballots for an election to the offices of mayor, reeve and deputy reeve shall be prepared in separate sets and, the council of a village or township may, by by-law provide that the ballots for an election to the offices of reeve, deputy reeve and councillor shall be in separate sets.

When to be
passed

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the election year than the first day of November and remains in force until repealed, and while in force the prescribed ballots shall be prepared accordingly.

Separate sets
for
controller,
local board,
by-laws, etc.

(7) There shall also be separate sets of ballots,

(a) containing the names of the candidates for the office of,

(i) controller,

(ii) member of a local board,

(iii) trustee of a police village, or

(iv) member of the council of a regional municipality;

(b) for obtaining the assent of the electors on any by-law or the opinion of the electors on any question required or authorized to be submitted to them at an election.

(8) Where more than one by-law or question is to be submitted to the electors at one election, all of such by-laws or questions may be placed on one ballot paper. More than one by-law, etc.

43.—(1) In place of using separate ballots under this Act, the council of a municipality may, by by-law passed and approved by the Minister prior to the first day of November in an election year, authorize the use at a municipal election of composite ballots in such form subject to subsections 1 to 8 of section 41, as the by-law prescribes. Composite ballots

(2) A composite ballot may contain, Contents

(a) the names of candidates for the offices of member of council, member of a school board, member of a public utility commission or member of any other board, commission or body the members of which are required to be elected by the electors of the municipality or for any one or more of such offices ; and

(b) any by-law or question authorized or required by law to be submitted to the electors for their assent or opinion.

(3) No elector shall be given a composite ballot containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote. Not to be given to elector not entitled to vote for office on ballot

(4) A by-law passed under this section remains in force from year to year until repealed. By-law in force until repealed

POLLING PLACES

44.—(1) Subject to section 45, the clerk shall provide for each election at least one polling place for each polling subdivision in a place that is most central or most convenient for the electors and is furnished with light and heat and such other accommodation and furniture as may be required, but the polling place may be provided outside the limits of the polling subdivision. Polling place

(2) Every polling place for an election in a municipality shall be situate in the municipality, except that where a polling subdivision in a township adjoins an urban municipality, the polling place for the polling subdivision may be within the limits of the urban municipality. Idem

(3) Every polling place shall be furnished with compartments in which voters may mark their ballots without other persons being able to see how they are marked and it is the duty of the clerk and the deputy returning officer respectively to Compartments

ensure that a sufficient number of compartments is provided at each polling place.

United subdivisions

(4) The clerk may unite two or more adjoining polling subdivisions and provide one polling place for the united subdivisions.

Additional places

(5) The clerk may provide such additional polling places in any polling subdivisions as are required having regard to the extent of the subdivision, the remoteness of any number of its voters from the polling place and number of voters that may conveniently vote at one polling place.

Designation of places

(6) Where there are two or more polling places in a polling subdivision, each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets at which the electors reside or that designate the properties in respect of which the electors are qualified to vote therein, or by the initial letters of the surnames of the electors who are qualified to vote therein, that is to say, A to M and N to Z, or as the case may be, and an elector is entitled to vote at the appropriate polling place designated accordingly.

Notice of location of polling place

(7) In municipalities having more than 5,000 electors, the clerk shall mail or cause to be delivered to each dwelling unit in the municipality a notice advising the elector or electors therein of the location of the polling place in which that elector or those electors is or are to vote.

Polling places in institutions

45.—(1) Where in a municipality there is situate a hospital or other institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or the armed forces of any member of the Commonwealth, or who are blind or deaf, a Workmen's Compensation hospital, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside, a polling place shall be provided in such institution or upon the premises, and for the purpose of polling, the institution shall be deemed to be a polling place, and every person resident in the institution who is entered in the polling list shall vote at such polling place.

Attendance upon patients to take vote

(2) Where a patient of such a hospital or other institution is bed-ridden or is unable to walk, it is lawful for the deputy returning officer and poll clerk with the candidates or their scrutineers to attend upon such person for the purpose of receiving his ballot, but no candidate or scrutineer shall be present where the ballot of any such voter is marked under section 61.

(3) When every person whose name is entered in the polling list for a polling place governed by this section has voted, the deputy returning officer for the polling place may close the poll at such polling place, but the vote cast at such polling place shall not be counted until after the close of the regular polling places. ^{Closing of poll}

SUPPLIES AND EQUIPMENT FOR POLLING PLACES

46.—(1) The clerk shall, before polling day, cause to be delivered to every deputy returning officer in his municipality, ^{Supplies for polling place}

- (a) a ballot box for his polling place;
- (b) a sufficient number of ballots to supply the electors in the polling list of his polling place;
- (c) a sufficient number of the prescribed directions for the guidance of voters for the purposes of the polling place;
- (d) the polling list and a blank poll book for the polling place;
- (e) all materials necessary for electors to mark their ballots; and
- (f) such other materials as are prescribed.

(2) A ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballots can be deposited therein and cannot be withdrawn without unlocking the box. ^{Ballot box}

(3) When delivering the ballots for a polling place to a deputy returning officer the clerk shall certify the number of ballots so delivered and upon receiving them the deputy returning officer shall make a count of the ballots and forward the prescribed receipt therefor to the clerk, and shall keep the certificate for return to the clerk with the other documents required to be returned to him under section 76. ^{Clerk to certify number of ballots}

(4) Every deputy returning officer before opening the poll, or immediately after he has received the printed directions from the clerk if they were not received before opening the poll, shall cause them to be placarded outside the polling place and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. ^{Directions to be placarded}

WHERE AND HOW OFTEN ELECTORS MAY VOTE

Number
of votes
that
may be
given by
an elector

47. An elector whose name appears in the polling list for a polling subdivision or who presents a certificate to vote there under section 31, 48 or 54, is entitled to vote in an election in such subdivision in accordance with the following rules:

1. He is entitled to vote once only for one candidate for mayor, reeve or deputy reeve.
2. He is entitled to vote for as many candidates for controller as there are controllers to be elected but once only for each candidate.
3. Where the election of aldermen, councillors, trustees or members of local boards is by general vote, he is entitled to vote for as many candidates for such offices as there are candidates to be elected but once only for each candidate.
4. Where the aldermen, councillors, trustees or members of local boards are elected by wards, he is entitled to vote,
 - i. if resident in the municipality, in the polling subdivision in which he resides; or
 - ii. if not resident in the municipality, in the polling subdivision in which his name appears on the polling list,

for as many candidates for such offices as there are candidates to be elected for the ward but once only for each candidate.

5. Where the election is to the office of member of a school board to be elected by public school electors in a municipality or a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a public school elector is entitled to as many votes as there are members to be elected by the public school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.
6. Where the election is to the office of member of a school board to be elected by separate school electors

in a municipality or in a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a separate school elector is entitled to as many votes as there are members to be elected by the separate school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

7. An elector who is entitled to vote in respect of any by-law or question authorized or required by law to be submitted for the assent or opinion of the electors is entitled to vote once only with respect to such by-law or question.

48.—(1) Subject to subsection 2, at the request of a person whose name is entered on the polling list for a polling place in a municipality who has been appointed a deputy returning officer or poll clerk at another polling place, the clerk of the municipality shall give him a certificate that he is entitled to vote at the polling place at which he is stationed during the polling day. Voting of D.R.O. and poll clerk where employed

(2) No certificate shall be issued under this section entitling an elector in a municipality that is divided into wards to vote at a polling subdivision in a ward different from the ward in which the polling place at which the elector is otherwise entitled to vote is situate. Where municipality divided into wards

(3) The clerk shall not give a certificate under this section until he has ascertained by reference to the polling list or to a certificate under section 31 that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling place at which the applicant is by the polling list or certificate under section 31 to be entitled to vote, and the person to whom the certificate has been given is not thereafter entitled to vote at such polling place. When certificate may be given

(4) The certificate shall designate the polling place at which the person is to be permitted to vote. Certificate

(5) The clerk shall keep a list in which he shall enter before he delivers a certificate under this section, List of certificates

- (a) the name and residence of the person to whom he gives the certificate;
- (b) the polling place at which the person is authorized to vote under the certificate;

- (c) the polling place at which the person appears by the polling list to be entitled to vote;
- (d) whether the certificate is granted to such person as deputy returning officer or poll clerk; and
- (e) if a certificate is refused, the name of the person applying for the certificate with the grounds of refusal,

and the list shall be open to inspection by any candidate scrutineer or elector.

Certificate
entitles
person to
vote

49.—(1) A person who produces a certificate given to him under section 48 is entitled to vote at the polling place designated therein, but the certificate does not entitle him to vote there unless he has been actually engaged there as a deputy returning officer or poll clerk during polling day.

Entry in
poll book

(2) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book opposite the name and residence of the person voting under the authority of a certificate, the words "Voted under Certificate".

Certificate
to be given
to D.R.O.

(3) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot.

To be kept
in envelope

(4) The deputy returning officer shall enclose all certificates to which this section applies in one envelope.

PROCEDURE AT POLL

Hours poll
to be
open

50. Every polling place shall be open for the purpose of taking the poll at every election from 11 o'clock in the forenoon until 8 o'clock in the afternoon of polling day.

When
D.R.O. to
attend poll

51.—(1) A deputy returning officer shall attend at the polling place for which he was appointed at least fifteen minutes before the hour fixed for opening the poll.

Counting of
ballots before
opening of
poll

(2) During the period of fifteen minutes before the opening of the poll, the scrutineers who are entitled to be present in a polling place during polling hours are entitled to inspect the ballots and all other papers, forms and documents relating to the poll.

Inspection,
sealing of
ballot box

52. A deputy returning officer shall, immediately before opening the poll at his polling place, show the ballot box to such persons as are present in the polling place, so that

they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 69.

53.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows: Duties of D.R.O. on tender of vote

1. He shall ascertain that the name of such person or a name apparently intended for it is entered in the polling list for the polling subdivision or that such person is entitled to vote under a certificate issued by the clerk pursuant to section 31 or 48.
2. He shall record or cause to be recorded by the poll clerk, in the proper columns of the poll book, the name and residence of such person.
3. If the deputy returning officer is satisfied that such person is the person designated in the polling list or in a certificate mentioned in paragraph 1 and is otherwise entitled to vote and if no candidate or scrutineer objects to voting by such person, the deputy returning officer shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it and shall deliver the ballot paper to such person.
4. If voting by such person is objected to by any candidate or scrutineer, the deputy returning officer shall enter the objection or cause it to be entered in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*" and the name of the candidate by or on whose behalf the objection was made and the deputy returning officer shall require such person to take the prescribed oath.
5. If the deputy returning officer is not satisfied that such person is the person designated in the polling list or in a certificate mentioned in paragraph 1 and is otherwise entitled to vote, although no candidate or scrutineer has objected, he may require such person to take the prescribed oath.
6. If such a person having been required to take the oath refuses to do so, the deputy returning officer

shall enter or cause it to be entered opposite the name of such person in the proper column of the poll book the words "*Refused to be sworn*" or "*Refused to affirm*" according to the fact and a ballot paper shall not be delivered to such person.

7. If such person takes the oath, the deputy returning officer shall enter or cause to be entered opposite such person's name in the proper column of the poll book the word "*Sworn*" or "*Affirmed*" according to the fact, shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it, and shall deliver the ballot paper to such person.
8. The deputy returning officer may, and upon request shall, either personally or through the poll clerk, explain to the elector as concisely as possible the mode of voting.

Disqualifica-
tion of
prisoners,
mentally ill,
etc.

(2) A person who on polling day is a prisoner in a penal or reform institution, or a patient in a mental hospital, or who has been transferred from a mental hospital to a home for special care as mentally incompetent is disqualified from voting at any election and no ballot shall be furnished to such a person.

Elector in
polling
place at
closing

(3) Every elector qualified to vote at a polling place who is inside the polling place at the time fixed for closing the poll is entitled to vote.

Entry of
name in
polling list
by D.R.O.

54.—(1) If a person representing himself to be an elector applies to a deputy returning officer at a polling place for a ballot and his name does not appear in the polling list or in a certificate issued under section 31 or 48 as entitled to vote at the polling place, he is entitled to have his name entered in such polling list and to receive a ballot and to vote if he takes a declaration in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer.

Idem

(2) The deputy returning officer shall enter or cause to be entered in the polling list and on the poll book the name of the elector and shall enter in the poll book a note of his having voted after being sworn as provided in subsection 1.

Where it
appears
person voted
in place
of elector,
etc.

55.—(1) Where an elector entitled to vote at a polling place applies for a ballot paper and it appears that another person has voted as such elector or that an entry has been made in the polling list in error that such elector has polled his vote, if such person takes an oath in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer he is entitled to receive a ballot paper.

(2) The deputy returning officer shall enter or cause to be entered in the poll book opposite the name of the elector who votes under this section a note of his having voted on a second ballot or of an entry having been made in the polling list in error that he has polled his vote, as the case may be. Entry in poll book

56.—(1) An elector who is required to take the oath is entitled to select any one of the prescribed forms of oaths, whatever may be the description in the polling list of the qualification or the character in which he is entered upon it. Form of oath

(2) No inquiry shall be made of an elector who is required to take the oath except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated in the polling list. Inquiry

57. Upon delivery to him of a ballot paper by a deputy returning officer, the person receiving it shall, Procedure on receipt of ballot

- (a) forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper with a cross or other mark with a pen or pencil within the circle or circular space to the right of the name of a candidate for whom he intends to vote;
- (b) then fold the ballot paper so as to conceal the names of the candidates and the marks upon the face of it and so as to expose the initials of the deputy returning officer;
- (c) then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) then deliver the ballot paper so folded to the deputy returning officer.

58.—(1) Upon delivery of a ballot paper to him by an elector, the deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates or the marks made by the elector, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place, and the elector shall forthwith leave the polling place. Duty of D.R.O. on receipt of ballot

(2) A person whose ballot has been placed in the ballot box by the deputy returning officer shall be deemed to have voted. Person deemed to have voted

(3) The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for candidates for the office named in that column. Entry in poll book

Person not
to take
ballot
from polling
place

59.—(1) A person who has received a ballot from a deputy returning officer shall not take it out of the polling place, and a person who receives a ballot and leaves the polling place without returning it to the deputy returning officer, or returns his ballot declining to vote, forfeits his right to vote, and the deputy returning officer, shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot but took it out of the polling place, or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot and preserve it to be returned to the clerk.

Ballot
accidentally
spoiled

(2) An elector who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first-mentioned ballot and preserve it to be returned to the clerk.

No other
person in
compartment
while elector
marking
ballot

60. Subject to section 61, while an elector is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see how the elector marks his ballot paper.

Voter
incapacitated
by blindness,
etc.

61.—(1) On the application of any elector who is unable to read or is incapacitated by blindness or other physical cause from voting in accordance with the other provisions of this Act, the deputy returning officer shall require the elector making the application to take an oath of his incapacity to vote without assistance, and shall thereafter assist the elector by marking his ballot in the manner directed by the elector in the presence of the poll clerk and of no other person and place the ballot in the ballot box.

Blind voter's
ballot
marked by
friend

(2) The deputy returning officer shall either deal with a blind elector in the manner provided in subsection 1 or, at the request of any blind elector who has taken the prescribed oath and is accompanied by a friend, shall permit the friend to accompany the blind elector into the voting compartment and mark the elector's ballot for him.

Oath of
friend

(3) Any friend who is permitted to mark the ballot of a blind elector under subsection 2 shall first be required to take the prescribed oath that he will keep secret the manner in which the blind elector voted.

May act
as friend
only
once

(4) No person shall be allowed to act as the friend of more than one blind elector at any polling place other than a polling place established under section 45.

(5) The deputy returning officer shall enter in the column for remarks in the poll book opposite the elector's name the reason why the ballot was marked by him or by a friend of the elector. Entry in poll book

62. Where the deputy returning officer does not understand the language of the elector, an interpreter provided by the elector may be sworn in the prescribed form to translate the necessary oaths as well as any lawful questions necessarily put to the elector and his answers, but in the event of inability to secure an interpreter, the elector shall be refused a ballot. Voter who cannot understand English

63. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate or, in his absence, his scrutineer, any scrutineer appointed by the council in relation to any by-law or question, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes. Who may remain in polling place

ADVANCE POLLS

64.—(1) The clerk shall hold an advance poll in accordance with this section on the Monday and Saturday, seven days and two days respectively, before polling day for the purpose of receiving votes of electors who expect to be unable to vote on polling day in the polling subdivisions for which their names appear in the polling lists or who are entitled to vote under a certificate issued by the clerk under section 31 or 54. Advance poll

(2) The advance poll shall be open from 11 o'clock in the forenoon until 8 o'clock in the afternoon on each of the two days it is held and polling shall be held so far as possible in the same manner as polling at a regular election. When poll to be open

(3) The clerk shall provide as many polling places for an advance poll as he considers necessary and shall appoint a deputy returning officer and poll clerk for each such polling place. Polling places

(4) Every person offering himself as a voter at a polling place for an advance poll shall be required by the deputy returning officer before being allowed to vote to make the prescribed declaration, which shall be kept by the deputy returning officer with the other records of the poll. Declaration of elector

(5) Forthwith after the close of the advance poll on each day it is held, the deputy returning officer shall make up and deliver to the clerk a list of the names of all persons who have voted showing in each case the number of the List of persons voting

polling subdivision in which the elector is entered in the polling list and the clerk shall, at the request of any candidate, furnish him with a copy of such list.

Duties of
clerk on
receiving
list

(6) Upon receiving the list mentioned in subsection 5, the clerk shall,

- (a) make an entry in the polling list to be supplied to each deputy returning officer on polling day opposite the name of each elector whose name appears in such list and whose vote has been received at an advance poll, showing that such elector has voted; or
- (b) make a certificate in the prescribed form for each polling subdivision, showing the name and address of each elector listed in the polling list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate before the opening of the poll on polling day to the deputy returning officer of the polling subdivision, and the deputy returning officer shall before opening the poll make an entry in the polling list supplied to him, opposite the name of each elector whose name appears on the certificate, showing that such elector has voted.

Sealing
of box

(7) Forthwith after the close of the advance poll on each day it is held the deputy returning officer and any candidate or scrutineer present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals and the deputy returning officer shall forthwith deliver it personally to the clerk for safe keeping.

Opening of
ballot boxes
for advance
poll

(8) On the regular polling day for an election, after the close of polling, the deputy returning officer shall, in the presence of such candidates for office at the election and their scrutineers as are present at the hour fixed for the closing of the poll, open the ballot boxes for the advance poll, count the votes and perform all other duties required of deputy returning officers by this Act.

PROXY VOTING

Who may
vote by
proxy

65.—(1) Any person whose name is entered in the polling list for a polling subdivision and who is,

- (a) a person other than one described in section 45 and who is certified by a legally qualified medical practitioner, by certificate filed with the clerk, to be physically incapable of attending a polling place;

- (b) a person absent from his regular residence by reason of attending an educational institution and who is entered in the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day; or
- (c) a person who expects to be absent from his polling subdivision during the election period including the advance poll and polling day by reason of his being engaged for hire or reward in the business of transportation by railway, air, water or motor vehicle,

may vote by proxy in that polling subdivision.

(2) Any person who is entitled to vote by proxy pursuant to subsection 1 may appoint in writing in the prescribed form as his voting proxy a person who is entitled to vote in the municipality in which the person voting by proxy is qualified to vote. Who may be proxy

(3) A voting proxy may not act as a voting proxy for more than one person voting by proxy except where the person voting by proxy is the child, grandchild, brother, sister, husband or wife of the voting proxy, in which case a voting proxy may act for more than one such person voting by proxy. May be proxy once only

(4) An appointment of a person as a voting proxy is not valid unless it is made after nomination day and does not remain in force after polling day. Term of appointment

(5) A person who has been appointed a voting proxy may apply to the clerk not later than 5 o'clock in the afternoon of the Tuesday preceding polling day to receive a certificate to vote by proxy for the polling subdivision in which the person appointing the voting proxy is entitled to vote. Application for certificate to vote by proxy

(6) The clerk shall take evidence on oath as to the right of the person appointing the voting proxy to vote in the polling subdivision upon the list for which his name is entered and as to the qualifications of the voting proxy, and, if he finds that the person appointing the voting proxy is duly qualified and that the voting proxy is qualified to act for the person appointing him, he shall give a certificate in prescribed form across the face of the appointment of the voting proxy to that effect. When certificate to be given

(7) Not more than one voting proxy may be appointed on behalf of any person at any election. Not more than one proxy

Oath on
voting

(8) A ballot shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the clerk thereon as provided in subsection 6 and takes the prescribed oath.

Record of
voting proxy

(9) Where a voting proxy has voted, the deputy returning officer shall record in the poll book the fact that the person appointing the voting proxy voted by proxy and the name of the voting proxy, and shall file the appointment of the voting proxy and the certificate of his appointment given by the clerk with the election papers and return them to the clerk in the envelope provided for that purpose.

Proxy may
vote in
own right

(10) A person who has been appointed as a voting proxy is entitled to vote in his own right in the municipality notwithstanding that he has voted as a voting proxy.

KEEPING OF PEACE: INTERRUPTED ELECTIONS

Assistance of
constables

66. A clerk or a deputy returning officer may require the assistance of constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he considers necessary.

When
election not
commenced or
interrupted

67. If by reason of riot or other emergency the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the clerk or deputy returning officer, as the case may be, shall hold or resume the polling on the following day at 11 o'clock in the forenoon and continue the same from day to day, until the poll has been opened without interruption and with free access to voters for nine hours in all.

COUNTING THE VOTES

Duties of
D.R.O. after
close of poll

68. Immediately after the close of the poll, the deputy returning officer at each polling place shall,

- (a) place all the cancelled, declined and unused ballots in separate sealed envelopes;
- (b) count the number of electors whose names appear by the polling book to have voted and make an entry in the book on the line immediately below the name of the elector who voted last as follows:—"The number of electors who voted at this election in this polling place is (stating the number)" and sign his name thereto.

69.--(1) After compliance with section 68, the deputy returning officer shall, in the presence and in full view of the persons entitled to be present, open the ballot box for the polling place and proceed to count the numbers of votes for each candidate, giving full opportunity to those present to examine each ballot. ^{Counting of votes}

(2) In counting the votes, the deputy returning officer shall reject all ballots, ^{Rejection of ballots}

- (a) that have not been supplied by him;
- (b) that contain the names of candidates for one office only and in which votes have been cast for more candidates than are to be elected to the office;
- (c) that are separate ballots submitting a by-law for the assent or a question for the opinion of the electors, and votes are cast for both the affirmative and the negative on the by-law or question; or
- (d) upon which there is any writing or mark by which the elector can be identified, or that has been so torn, defaced or otherwise dealt with by the elector that he can thereby be identified,

but no word, letter, or mark written or made or omitted to be written or made by the deputy returning officer on a ballot voids it or warrants its rejection.

(3) Where a ballot contains the names of candidates for more than one office and votes are cast on such ballot for more candidates for any office than are to be elected to such office, such votes are void and shall be rejected, but unless such ballot is rejected under subsection 2, the votes for any other office in respect of which the elector has not voted for more candidates than are to be elected shall be counted. ^{Idem}

(4) Where in a composite ballot,

^{Composite ballots}

- (a) votes are cast for more candidates for any office than are to be elected to such office; or
- (b) votes are cast for both the affirmative and negative on any by-law or question,

the votes for such candidates or with regard to the by-law or question, as the case may be, are void and shall be rejected but, unless such ballot is rejected under subsection 2, the votes for any other offices, by-law or question in respect of which votes are correctly indicated shall be counted.

Where part
of votes
rejected

(5) Where part of the votes cast in any ballot are rejected under subsection 3 or 4, the deputy returning officer shall note such fact on the back of the ballot and initial the note, and where all the votes on the ballot are rejected under either or both of such subsections, the ballot shall be treated as a rejected ballot.

Objection
by candidate,
etc.

70.—(1) A candidate or a scrutineer at a polling place may object to a ballot or to the counting of votes in any ballot in whole or in part on the ground that the ballot or such votes should be rejected under section 69 and the deputy returning officer at the polling place shall decide the objection, subject to review on a recount or in a proceeding questioning the validity of the election.

Objections to
be listed

(2) The deputy returning officer shall list all objections under subsection 1 to the counting of ballots or of votes therein and number such objections and shall place the number of an objection on the back of the ballot objected to and initial the number.

How votes
counted

71. The deputy returning officer shall count all votes cast at his polling place that are not rejected and shall keep an account of the number of votes so cast and allowed for each candidate and with respect to each by-law or question.

Ballots to
be placed
in separate
packets

72. Following count of the votes at his polling place, a deputy returning officer shall place in separate sealed packets,

- (a) all used ballots that have not been objected to and have been counted in whole or in part;
- (b) all used ballots that have been objected to but which have been counted in whole or in part;
- (c) all rejected ballots;
- (d) all ballots used but unmarked.

D.R.O. to
endorse
packets

73. The deputy returning officer shall endorse every packet of ballots made up by him under clause *a* of section 68 or section 72 so as to indicate its contents and any candidate or scrutineer present may write his name on the packet.

Oath of
poll clerk

74. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the prescribed oath.

STATEMENT AND MATERIALS RETURNED TO CLERK

75.—(1) The deputy returning officer shall make out a statement in duplicate of the number of, Statement of D.R.O.

- (a) ballots received from the clerk ;
- (b) votes given for each candidate ;
- (c) votes given for and against a by-law or question ;
- (d) used ballots that have not been objected to and have been counted ;
- (e) ballots that have been objected to in whole or in part but which have been counted ;
- (f) rejected ballots ;
- (g) cancelled ballots ;
- (h) ballots used but unmarked ;
- (i) declined ballots ;
- (j) unused ballots ;
- (k) voters whose ballots have been marked by the deputy returning officer under sections 45 and 61.

(2) One statement shall be attached to the poll book and the duplicate statement enclosed in a special packet shall be delivered to the clerk as provided herein. Statement attached to poll book

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their scrutineers as are present and desire to sign it. Statement signed by D.R.O., etc.

(4) The deputy returning officer shall deliver to such of the candidates or their scrutineers as are present, if requested to do so, a certificate of the number of ballots counted for each candidate, and of the rejected ballots. Certificate re ballots counted and rejected

76.—(1) The deputy returning officer shall place in the ballot box the poll book, the polling list, the packets containing the ballots and all other documents or packets that served at the election, except, What to be placed in ballot box

- (a) the duplicate statement ;
- (b) the oath of the poll clerk ; and
- (c) the oath of the person, if any, chosen to deliver the ballot box to the clerk.

Box to be
locked, etc.

(2) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it and the documents enumerated in subsection 1 personally to the clerk.

Oath of
D.R.O.

(3) Forthwith thereafter, the deputy returning officer shall take and subscribe the prescribed oath and shall personally deliver it or transmit it by registered mail to the clerk.

Delivery of
ballot box,
etc., to
clerk

(4) If the deputy returning officer is unable personally to deliver the ballot box and documents enumerated in subsection 1 owing to illness or other cause, he shall deliver them to the poll clerk for delivery to the clerk, or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering them to the clerk, who shall take the prescribed oath to do so and the deputy returning officer shall thereon, or on a ticket attached thereto, write the name of the person to whom the box was delivered and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver them to the clerk and shall take before him the prescribed oath.

Right of
candidate,
etc., to be
present

(5) The candidates, or their scrutineers, are entitled to be present when the ballot box and documents for a polling place are delivered to the clerk pursuant to this section.

D.R.O. not to
take box to
home, etc.

(6) A deputy returning officer, after the close of the poll, shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office or place of business, or to any house or place except the office of the clerk.

Clerk to add
up votes

77.—(1) The clerk, after he has received the ballot boxes and other documents referred to in section 76, shall, without opening any of the ballot boxes, cast up from the duplicate statements showing the number of votes for each candidate and for the affirmative or negative on any by-law or question at each polling place the total number of votes for each candidate and the total number of votes for the affirmative or negative on any by-law or question.

Declaration
of result

(2) After casting up the total number of votes cast at an election, the clerk shall, at the town hall or, if there is no town hall, at the clerk's office at noon on the Thursday following the day on which the polling is held, publicly declare to be elected the candidate or candidates having the highest number of votes, and declare the result of the vote with respect to any by-law or question and he shall also post up in some conspicuous place a statement under his hand showing the number of votes for each candidate and for the affirmative or negative on the by-law or question.

(3) If for any cause, the clerk cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, or for the affirmative or negative on any by-law or question he may adjourn to a future day and hour the adding up of the votes and so on from time to time, such adjournment or adjournments not in the aggregate to exceed fourteen days.

78.—(1) Except as provided in this section, the clerk, upon the receipt of a ballot box, and the documents referred to in section 76, shall take every precaution for their safekeeping and for preventing any other person from having access to them, and shall immediately on receipt of the ballot box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered.

(2) Where the documents specified in subsection 1 of section 76 are in error placed in the ballot box or where the duplicate statement cannot be interpreted by the clerk, he may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the meaning of the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the clerk and by the clerk.

(3) If a deputy returning officer has not delivered the statement of the ballots counted by him to the clerk as required by section 76, the clerk shall after notification to the candidates or their scrutineers, who may be present, open the appropriate ballot box for the purpose of counting the votes and shall count the votes.

79. If a ballot box for any polling place has been destroyed or lost, or, for any other reason, is not forthcoming by the time fixed for adding up the votes, the clerk shall ascertain the cause and, if the statement of the votes cast and certificates, or any of them or copies of them, cannot be procured, the clerk shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the polling place and for the affirmative or negative on any by-law or question, and may summon any deputy returning officer, poll clerk, election assistant or other person to appear before him at a time and place to be named by him, and the clerk shall notify the candidates of the intended proceedings and may examine on oath such deputy returning officer, poll clerk, election assistant or other person respecting the matter in question.

80.—(1) If upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of

such candidates cannot be elected, or the votes for the affirmative and negative on a by-law or question are equal, the clerk shall publicly declare the result and post up in a conspicuous place a statement showing the number of votes for each candidate and for and against the by-law or question and shall forthwith notify a judge of the result and the judge shall thereupon appoint a time and place to recount the votes cast up for such candidates or concerning such by-law or question.

Application
of ss. 81-88

(2) In such proceedings, sections 81 to 88 apply *mutatis mutandis*.

RECOUNT

Interpre-
tation

81.—(1) In this section and in sections 82 to 84, “judge” means the judge of the county or district court in which the municipality or part thereof or the administrative or head office of the local board is situate.

Where
recount
desirable

(2) If, within fourteen days after the declaration by a clerk of the result of an election, upon an application of a candidate or voter it is made to appear by affidavit to a judge that the votes have been improperly counted or any ballot paper has been improperly rejected or that an incorrect statement of the number of ballots cast for any candidate or for the affirmative or negative on any by-law or question has been made or that the votes have been improperly added up, and if within that time the applicant has given security for the costs in connection with the recount or final addition of any candidate declared elected in the amount of \$100 in legal tender, or if at any time within four weeks after such declaration the council of the municipality whose clerk was the returning officer has by resolution declared that a recount or final addition is desirable in the public interest, the judge shall appoint a time and place to recount or make a final addition of the votes cast at the election, and shall notify the clerk thereof.

Notice of
recount

(3) At least two days notice in writing of the time and place appointed shall be given by the clerk to the candidates and to the applicant, and the clerk or a person appointed by the clerk for the purpose shall attend the recount or final addition with the ballot boxes and all documents relating to the election.

Who may be
present

(4) The judge, the clerk, a person appointed by the clerk, each candidate and his scrutineer appointed to attend the recount or final addition, and such other persons as the council may appoint where the recount or final addition relates to a by-law or question, but no other person, except with the approval of the judge, is entitled to be present at the recount.

(5) Where a recount relates to the election of a candidate, the recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected or in other cases for the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or the votes cast for him to be finally added.

What ballots involved in recount

(6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may attend, the judge conducting a recount or final addition of the votes cast at an election shall make such final addition from the statements returned to the clerk by the deputy returning officers, or recount all the ballots received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purposes of the recount open the sealed packets containing the used ballots that were not objected to and were counted, the ballots that were objected to but which were counted, the rejected ballots, the cancelled ballots, the ballots that were used but were unmarked, the declined ballots and the unused ballots.

Procedure by judge

(7) Subject to subsection 8, the judge shall proceed according to the provisions of this Act for the counting of the ballots and of the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Rules to govern proceedings

(8) If for any reason it appears desirable to do so the judge, upon the application of any party to a recount, may hear such evidence as he considers necessary for the purpose of making a full and proper recount of the ballots, and, without restricting the generality of the foregoing, he may, if the recount results in any of the candidates for any office being declared to have received the same number of votes as any other candidate or candidates who were parties to the recount, hear such evidence as he considers necessary to determine who was elected to that office.

Judge may hear any evidence necessary for proper recount

(9) Upon the completion of a recount all the ballots shall be sealed in their separate packets and upon completion of final addition, the statements shall be sealed in their respective packets and the judge shall certify the result of the recount or final addition to the clerk.

Judge to certify recount to clerk

(10) The judge may require the clerk of the county or district court to be present at the time and place appointed.

Clerk of court

82.—(1) The judge shall delay sending his certificate under section 81 to the clerk for two days after the completion of

Time for sending certificate to clerk

the recount or final addition in order to allow for an appeal as provided in section 86.

If no appeal
clerk to
declare
result

(2) If no notice of appeal is given to the judge within two days after the completion of a recount or his final addition, the judge shall certify forthwith the result to the clerk who shall then declare the candidate having the greatest number of votes to be elected or certify to the council the result of the vote with respect to a by-law or question.

Equality of
votes after
recount
where one
person to be
elected

83. In the case of an equality of votes for candidates for any office for which one person only is to be elected, as a result of a recount or final addition, the successful candidate shall be determined by lot conducted by the clerk.

Costs of
recount

84.—(1) The costs of a recount under section 81 are in the discretion of the judge making the recount who may order by whom, to whom and in what manner the costs shall be paid.

Awarding
of costs

(2) The judge may in his discretion award costs of a recount or final addition to or against any candidate who is a party to it and may fix the amount thereof or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court.

Where no
provision as
to costs

(3) Where the judge makes no provision as to the costs of a recount or final addition, the disbursements made or authorized to be made by the clerk shall be paid by the municipality.

Payment of
deposit

(4) Where costs are directed to be paid by the applicant for a recount or final addition, the money deposited as security for costs under section 81 shall be paid out to the party entitled to such costs, so far as necessary.

Enforcement
of payment
of costs

(5) Payment of the costs awarded under this section may be enforced by execution to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them.

Expenses of
judge

(6) The judge is entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him for a recount or final addition.

Where no
appeal
documents,
etc., to be
returned
to clerk

85.—(1) Upon expiry of the time for appeal from a decision of a judge on a recount or final addition if no appeal has been

taken, the judge shall cause all the ballots to be sealed in their original packets and upon completion of final addition, shall cause the statements to be sealed in their respective packets and returned to the custody of the clerk.

(2) If an appeal is taken from the decision of a judge on a recount or final addition, the judge shall cause such of the ballots and such of the original statements as are not required for the purpose of the appeal to be sealed in their respective packets and returned to the custody of the clerk. Documents not required on appeal

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

86.—(1) Any party may appeal from the decision of the judge who conducted a recount or final addition other than a decision on a recount or final addition of votes in relation to any by-law or question, by giving notice in writing within two days after the completion of the recount or final addition to the other parties and to the judge of his intention to appeal, and he may by the notice limit the appeal to specified ballots. Appeal from decision of judge

(2) The notice may be served upon the other parties personally, or as a judge of the Supreme Court may direct. Service of notice

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall cause to be sealed the ballots or statements that are the subject of appeal in a separate packet and shall forward them, together with the notice and a certificate showing his findings as to the ballots in dispute, by registered mail to the Registrar of the Supreme Court, but, if the appeal is not limited the judge shall forward all the ballots and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate under section 81 to the clerk. Ballots, etc., to be forwarded to Registrar of Supreme Court

(4) On receipt of the ballots and notice, the Registrar shall forthwith obtain an appointment from a judge of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed. Appointment for hearing

(5) At the time appointed, the judge of the Supreme Court shall recount the ballots or such of them as are the subject of appeal, or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it is to conform to the decision and to certify the result without delay to the clerk. Procedure on appeal

(6) The judge of the Supreme Court may direct by and to whom, the costs of the appeal shall be paid. Costs of appeal

Idem

(7) Where the judge of the Supreme Court makes no provision as to costs, the disbursements made or authorized to be made by the clerk, shall be paid by the municipality.

DISPOSITION OF ELECTION RECORDS

Disposition
of ballots

87.—(1) The clerk shall retain in his possession for ninety days from the date of the poll for an election all the ballots in the election and, unless otherwise directed by an order of a judge or officer having jurisdiction to inquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a statutory declaration that they witnessed the destruction of them and such declaration shall be filed in the office of the clerk.

Disposition
of other
documents

(2) Subject to subsection 1, the clerk shall retain in his possession all oaths, nominations, qualification documents, statements of the votes cast, and other documents relating to an election until the successors to the persons elected at such election have taken office, and may then destroy them.

Inspection of
ballots, etc.

88.—(1) No person shall be allowed to inspect any ballot or other document relating to an election in the custody of the clerk except under the order of a judge.

Order of
judge

(2) The order may be made on the judge being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence, or corrupt practice, or of taking proceedings for contesting the election or return.

Production
of documents
by clerk

89. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order is evidence that the document relates to the election, and any endorsement appearing on any packet of ballots so produced is evidence that the contents are what they are stated to be by the endorsement.

NEW ELECTIONS

New
election

90.—(1) Where a new election is required under the authority of this or any other Act to fill a vacancy in any office by an election other than a regular election, the clerk of the municipality who is the returning officer with whom nominations may be filed shall set the date of the nomination day which shall be within forty-five days of the day on which the vacancy for which he is required to hold the election occurs.

Procedure

(2) The procedure including the period for filing nominations at a new election shall be the procedure and period applicable

at a regular election of the municipality and polling day shall be not less than eighteen and not more than twenty-one days after nomination day.

(3) The polling required to fill a vacancy in an office by this ^{Polling} section shall so far as possible be held in the same manner and by the same officers and take place at the same places, in so far as practicable, at which the polling took place at the last regular election.

(4) Unless a new preliminary list of electors has been ^{List of electors} furnished by the assessment commissioner, under subsection 5, the preliminary list to be used for preparation of the polling list for a new election shall be the polling list used at the last regular election, which shall be subject to revision as if it were a preliminary list of electors under section 24 and to additions pursuant to a certificate of the clerk under section 31 and the clerk may fix the times and places for the making of complaints as to revision.

(5) Where in the year following an election year the annual enumeration under *The Assessment Act* has, prior to the holding of the new election, been completed for the municipality or municipalities in which the new election is to be held, the assessment commissioner shall, within fourteen days of a request by the clerk or clerks of such municipality or municipalities, furnish a new preliminary list of electors based on such annual enumeration and in accordance with the requirements of this Act pertaining to the preparation of such lists and such preliminary list shall for all purposes, including revision by the clerk, be the preliminary list of electors for the new election. ^{Idem R.S.O. 1970, c. 32}

(6) Where a vacancy occurs in any office and an election is to be held to fill such vacancy, a person holding any other office is not eligible to be a candidate for the vacant office unless he has, before the first day of the period during which nominations for the new election may be filed, filed with the clerk a certified copy of his resignation from the office that he then holds with evidence satisfactory to the clerk that such resignation has been filed as required by legislation governing the office that he then holds. ^{Eligibility of member to be candidate for other office}

(7) Notwithstanding anything in this or any other general or special Act, a new election shall not be held to fill a vacancy where the vacancy occurs after the 31st day of March of an election year. ^{Vacancy after March 31st of election year}

91. Notwithstanding that a new election becomes necessary, Council may meet notwithstanding vacancy meetings of the council may be held if a quorum of the council is present.

EFFECT OF IRREGULARITIES

Irregularities
not to offset
result

92. No election shall be declared invalid,

- (a) by reason of any irregularity on the part of the clerk or in any of the proceedings preliminary to the poll;
- (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
- (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes or as to limitations of time; or
- (d) by reason of any mistake in the use of the prescribed forms,

if it appears to the court having cognizance of the matter that the election was conducted in accordance with the principles of this Act and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

SECURITY OF PROCEEDINGS

Secrecy of
proceedings

93.—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

Interference
with
voter

(2) No person shall interfere or attempt to interfere with an elector when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how an elector is about to vote or has voted.

Communica-
tion as to
voting

(3) No person shall communicate any information obtained at a polling place as to how an elector at such polling place is about to vote or has voted.

Inducing
person to
show ballot

(4) No person shall, directly or indirectly, induce or attempt to induce an elector to show his ballot paper after he has marked it so as to make known to any person how he has voted.

Voter not
to show
ballot

(5) Subject to section 61, an elector shall not show his ballot paper, when marked, to any person so as to make known how he voted.

No one com-
pellable to
disclose
his vote

(6) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted.

OFFENCES, PENALTIES AND ENFORCEMENT

94. Every person who, at an election,

Voting when
not qualified,
etc.

- (a) not being qualified to vote, votes;
- (b) being qualified to vote, votes more times than he is authorized to vote by this Act; or
- (c) votes in a polling subdivision other than one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

95. Every person who,

Improper
voting by
proxy

- (a) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or
- (b) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the elector who made the appointment is dead or is no longer entitled to vote,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

96. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Wilful
miscount
of ballots

97. Every clerk, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Neglect of
duties

98. Every person who,

Offences
relating to
ballot
papers

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;

- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper that is not a ballot, purports to be or is capable of being used as a ballot at an election; or
- (g) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

False
information
to authorized
persons

99. Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Offences of
inducing un-
qualified
person to vote
or publishes
false state-
ment of with-
drawal of
candidate

100. Every person who,

- (a) induces or procures any person to vote knowing that that person has no right to vote; or
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both.

Bribery;

101.—(1) Every person who,

bribing
elector or
procuring
bribery of
money

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any person in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of any

elector having voted or refrained from voting at an election; or

- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any elector, or to or for any other person in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of any elector having voted or refrained from voting at an election; or by gift or offer or promise of employment
- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any elector at an election; or to induce anyone to procure return of candidate or endeavour to procure
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any elector at an election; or receiving bribe to procure return of candidate
- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or advancing money to be spent in corrupt practices
- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or applying for money or employment in consideration of voting
- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or receiving money, office, etc., for having voted

valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or

receiving
money
corruptly
after
election

(h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or

giving or
promising
office to
candidate
to stand or
withdraw

(i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person,

is guilty of bribery, and on summary conviction is liable to a fine of \$200, or to imprisonment for a term of not more than six months, or to both, and is disqualified from voting at any election for four years.

Personal
expenses of
candidate

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act.

Posting of
provisions
as to corrupt
practices

(3) The clerk shall furnish every deputy returning officer with at least two copies of this section, and the deputy returning officer shall post them in conspicuous places at the polling place.

General
offence

102. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Disqualifi-
cation of
persons
guilty of
corrupt
practice

103.—(1) Where a candidate at an election is convicted of bribery or of committing a corrupt practice, he is ineligible to be nominated and stand as a candidate at any election up to and including the next regular election, or to hold any office at the nomination of a municipal council or local board for four years following the date of the poll.

(2) If, when the candidate is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate is not subject to the penalties and disabilities provided by subsection 1.

CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

104.—(1) The validity of an election or of the election of any person to any office at such an election or whether or not any person is guilty of a corrupt practice respecting an election shall be tried and determined by an action commenced by issuing a writ in the county or district court for the county or district in which the municipality or the administrative or head office of the local board is situated.

(2) Where the county or district court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under sections 94 to 100.

(3) A candidate at an election or any elector entitled to vote at an election referred to in subsection 1 may commence an action under this section in relation to such election.

(4) No action shall be commenced after the expiration of ninety days following the date of the poll at the election referred to in subsection 1.

105.—(1) The judge shall, in a summary manner and without formal pleadings, hear and determine the questions raised by or upon an action under section 104 and may give directions as to the conduct thereof and may inquire into the facts on affidavit, by oral testimony, or by trying an issue framed by him, or by one or more of those means.

(2) Subject to subsection 1 and where not otherwise provided in this Act, the practice and procedure of the county or district court apply to an action commenced under section 104.

(3) The action shall be tried by a judge without a jury.

106.—(1) At the time of the commencement of an action security shall be given on behalf of the plaintiff to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the clerk incurred in the publication of notices in the municipality in respect of the writ of the action or proceedings therein.

Idem (2) The security shall be in the amount of \$400 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.

Abatement of action **107.**—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.

Liability for costs (2) The abatement of an action does not affect any liability for costs previously incurred.

Substitution of plaintiff (3) On the abatement of an action any person who might have been a plaintiff may apply to a judge of the court or, during the trial, to the trial judge to be substituted as the plaintiff.

Substitution for unqualified person **108.** Where a plaintiff is not qualified to be a plaintiff in an action under this Act, the action shall not on that account be dismissed if, within such time as a judge of the court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.

Successful candidate guilty of corrupt practice **109.**—(1) Where it is determined that a successful candidate is guilty of bribery or of a corrupt practice, the court may declare his election void and his office shall thereupon become vacant.

Unseating and seating of another elected candidate (2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person would have been elected but for the corrupt practice that he be admitted to take his seat in the council or board or, if it is determined that no other person is elected, a new election shall be held.

Where commission of corrupt practice affected result of election (3) Where it is determined that any person is guilty of bribery or of a corrupt practice and that the commission of the bribery or corrupt practice affected the result of the election, the court may declare the election void and a new election shall be held.

Where act of election official affected result of election (4) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and a new election shall be held.

Compensation of candidates where election void (5) Where a new election is to be held, the court may make such order as it considers just against any person who is found guilty of an offence or of bribery or a corrupt practice under this Act for the compensation of candidates at the void election not exceeding \$2,000 per candidate.

Judgment to clerk (6) The clerk of the court shall forward a copy of the judgment and the reasons for judgment to the clerk of the municipality.

110. If the court determines that a member was not duly elected, notwithstanding that an appeal from the decision is pending, he is not entitled to sit or vote on the council or board until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat and to sit and vote until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board.

Where election set aside and appeal entered

111. A new election shall not be held until after the expiration of the time limited for appeal from the determination of the court that the election is void and, if an appeal is brought, the election shall not be held pending the appeal.

New election not to be held pending appeal

112.—(1) An appeal lies from the judgment of the county or district court to the Divisional Court in accordance with the rules of court.

Appeal to Divisional Court

(2) The Divisional Court may give any judgment that ought to have been pronounced or may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Divisional Court, the case shall thereafter be proceeded with as if there had been no appeal.

Judgment or new trial

(3) An appeal lies from the decision of the trial judge to whom the case was remitted by the Divisional Court in accordance with the provisions of this section.

Appeal from decision on new trial

113. Any person elected may, at any time after the election and before it is complained of, deliver to the clerk of the municipality a disclaimer, signed by him, to the following effect:

Disclaimer before complaint

“I, A.B., hereby disclaim all right to the office of
.....for the.....of
.....in the county (or district) of
.....and all defence of any right I may
have to the same. Dated.....day of
....., 19.... A.B.”

114. A person whose election is complained of, unless it is complained of on the ground of bribery or of a corrupt practice

Disclaimer after complaint

on his part, may, within one week after service on him of the writ, transmit by registered mail, or deliver to the judge of the court, and to the applicant or his solicitor, a disclaimer signed by him to the following effect:

“I, A.B., upon whom a writ, authorized by *The Municipal Elections Act, 1972*, has been served for the purpose of contesting my right to the office

of....., in the county (or district)

of....., hereby disclaim the office, and all defence of any right I may have to the same.

Dated.....day of....., 19....
A.B.”

Duplicate
of disclaimer
to clerk

115.—(1) A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council.

Operates as
resignation

(2) A disclaimer in accordance with section 113 or 114 operates as a resignation.

Relief from
costs

(3) A disclaimer in accordance with section 114 relieves the person making it from all liability for costs in an action under section 104.

Procedure
substituted
for *quo*
warranto
proceedings

116. Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Act and not by *quo warranto* proceedings or by an action in any court.

Regulations

117. The Minister may make regulations,

- (a) prescribing forms for the purposes of this Act; and
- (b) prescribing rules for the use of voting machines.

Repeals

118. The following are repealed:

1. *The Municipal Franchise Extension Act*, being chapter 288 of the Revised Statutes of Ontario, 1970.
2. Paragraph 24 of the schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.
3. *The Voters' Lists Act*, being chapter 485 of the Revised Statutes of Ontario, 1970.

119. This Act comes into force on a day to be named by ^{Commence-}
the Lieutenant Governor by his proclamation.
^{ment}

120. This Act may be cited as *The Municipal Elections Act*, ^{Short title}
1972.

CHAPTER 96

An Act to amend The Public Service Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Service Act*, being ^{s. 1 (e),} amended chapter 386 of the Revised Statutes of Ontario, 1970, is amended by striking out “the Workmen’s Compensation Board” in the fourth and fifth lines.

2. Section 2 of the said Act is amended by adding thereto ^{s. 2,} amended the following subsection:

(3) The chairman of the Commission shall rank as and ^{Chairman} have all the powers and duties of a deputy minister ^{to rank as} of a ministry. ^{deputy} ^{minister}

3. Section 3 of the said Act, as amended by the Statutes ^{s. 3,} amended of Ontario, 1972, chapter 1, section 107, is further amended by adding thereto the following subsection:

(2) The staff of the Commission is responsible to the ^{Staff} chairman of the Commission and shall consist of such officers and servants appointed under this Act as are necessary for the proper conduct of the business of the Commission.

4. Clause *b* of section 4 of the said Act is amended by ^{s. 4 (b),} amended striking out “negotiation under section 27 or 28” in the fourth line and inserting in lieu thereof “bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1972*”.

5. Subsection 2 of section 17 of the said Act is repealed. ^{s. 17 (2),} repealed

6. Sections 27 and 28 of the said Act are repealed and ^{ss. 27, 28,} re-enacted the following substituted therefor:

27.—(1) In this section,

Interpre-
tation

- (a) "agreement" means an agreement in writing between the Crown on the one hand and the Association on the other hand;
- (b) "Arbitration Committee" means the Ontario Provincial Police Arbitration Committee;
- (c) "Association" means an association including only members of the Ontario Provincial Police Force which is not affiliated directly or indirectly with a trade union or with any organization that is affiliated directly or indirectly with a trade union and which represents a majority of such members to whom sections 27 and 28 apply for the purposes of collective bargaining;
- (d) "Negotiating Committee" means the Ontario Provincial Police Negotiating Committee.

Application
of sections
27, 28

- (2) Sections 27 and 28 apply to members of the Ontario Provincial Police Force who are cadets, probationary constables, constables, corporals, sergeants and staff sergeants including detective-sergeants, traffic sergeants and identification sergeants.

Bargaining
authority

- (3) The Association is the exclusive bargaining agent authorized to represent the members of the Ontario Provincial Police Force, in bargaining with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 4, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to a member for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by members, including paid holidays, paid vacations, group life insurance, health insurance and long-term income protection insurance, the procedures applicable to the processing of grievances, the methods of effecting promotions, demotions, transfers, lay-offs or reappointments and the conditions applicable to leaves of absence for other than any elective public office, political activities or training and development.

- (4) Except in relation to matters governed by or under *The Police Act*, every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine employment, appointment, complement, organization, work methods and procedures, kinds and location of equipment, discipline and termination of employment, assignment, classification, job evaluation system, merit system, training and development, appraisal, superannuation and the principles and standards governing promotion, demotion, transfer, lay-off and reappointment, and that such matters will not be the subject of collective bargaining nor come within the jurisdiction of the Negotiating Committee or the Arbitration Committee. Exclusive functions of employer R.S.O. 1970, c. 351
- (5) The Ontario Provincial Police Negotiating Committee appointed by the Lieutenant Governor in Council is continued and shall be composed of, Negotiating Committee
- (a) three members appointed by the Lieutenant Governor in Council on the recommendation of the Association to be known as the "staff side";
 - (b) three members appointed by the Lieutenant Governor in Council to be known as the "employer side"; and
 - (c) a chairman appointed by the Lieutenant Governor in Council who shall not be a member of the staff side or of the employer side and who shall not vote.
- (6) The Lieutenant Governor in Council may appoint a person who is not a member of the staff side or of the employer side to act as chairman when the chairman is absent. Acting chairman
- (7) The chairman of the Negotiating Committee shall, Duties of chairman
- (a) at the request of a member convene a meeting of the Negotiating Committee;
 - (b) prepare the agenda for each meeting; and
 - (c) preside at each meeting.
- (8) Subject to subsection 7, at the request of a member of the Negotiating Committee, the chairman shall place upon the agenda any matter concerning, Agenda

- (a) the amendment or renewal of an agreement or any matter that may be the subject of bargaining under this section so long as the request is made not earlier than ninety days and not later than sixty days before the expiration date of the agreement; or
- (b) the interpretation or clarification of any clause in an agreement.

Idem

(9) Notwithstanding clause *a* of subsection 8, where,

- (a) a member of the Negotiating Committee requests that there be placed on the agenda a matter concerning the amendment or renewal of an agreement or any matter that may be the subject of bargaining under this section; and
- (b) both the staff side and the employer side of the Negotiating Committee consent that the matter referred to in clause *a* be placed on the agenda,

the chairman shall place the matter on the agenda notwithstanding that the request may have been made earlier than ninety days or later than sixty days, before the expiration date of the agreement.

Quorum

(10) A quorum of the Negotiating Committee consists of,

- (a) the chairman;
- (b) two members of the staff side; and
- (c) two members of the employer side.

Matters to be negotiated

(11) The Negotiating Committee shall negotiate such matters as are put on its agenda under subsections 8 and 9.

Grievance procedure

(12) The Negotiating Committee may establish a grievance procedure to deal with any complaint of an employee concerning working conditions or terms of employment other than a complaint to which *The Police Act* or the Code of Offences contained in the regulations made thereunder applies.

R.S.O. 1970,
c. 351

Decision

(13) Every decision of the Negotiating Committee shall be in writing and in three copies and each copy shall be signed by the chairman and by a representative of the staff side and by a representative of the employer side.

When binding

(14) A decision of the Negotiating Committee shall not be binding on the staff side or the employer side until

the decision has been approved in the manner set out in subsection 15 and transmitted by the chairman for implementation as set out in subsection 16.

- (15) Approval of a decision of the Negotiating Committee shall be, ^{Approval}
- (a) on the staff side, by a decision of the Board of Directors of the Association; and
 - (b) on the employer side, by a decision of the Management Board of Cabinet.
- (16) The chairman of the Negotiating Committee shall ^{Implementation} transmit every decision of the Negotiating Committee to the proper authority to be implemented.
- 28.—(1) The Ontario Provincial Police Arbitration Committee, appointed by the Lieutenant Governor in Council, is continued and shall be composed of, ^{Arbitration Committee}
- (a) a chairman appointed for a renewable term of two years;
 - (b) one member recommended by the staff side of the Negotiating Committee; and
 - (c) one member recommended by the employer side of the Negotiating Committee.
- (2) Where a majority of the members of the Negotiating Committee is unable to agree upon any matter, the chairman shall, at the request of a member, refer the matter to the Arbitration Committee who shall, after a hearing, decide the matter and the decision of the Arbitration Committee is final and binding on the Crown, the Association and the members of the Association referred to in subsection 2 of section 27. ^{Reference}
- (3) Every decision of the Arbitration Committee shall ^{Decision} be in writing and shall be signed by the chairman and at least one member and shall be transmitted to the chairman of the Negotiating Committee.
- (4) The chairman of the Negotiating Committee shall ^{Implementation} transmit the decision of the Arbitration Committee to the proper authority to be implemented.

Implementa-
tion of
collective
agreements,
etc.

28a. Collective agreements and awards made in accordance with the collective bargaining procedures applicable to Crown employees and approved decisions of the Negotiating Committee under section 27 and decisions of the Arbitration Committee under section 28 shall be implemented by the Lieutenant Governor in Council by order in council.

s. 29 (1) (b)
amended

7.—(1) Clause *b* of subsection 1 of section 29 of the said Act is amended by striking out “negotiation under section 27 or 28” in the fourth line and inserting in lieu thereof “bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1972*”.

s. 29 (1) (t),
re-enacted

(2) Clause *t* of subsection 1 of the said section 29 is repealed and the following substituted therefor:

(*t*) prescribing the rules of procedure governing proceedings of the Negotiating Committee and the Arbitration Committee.

s. 29,
amended

(3) The said section 29 is amended by adding thereto the following subsection:

Where agree-
ment in
conflict with
regulation

(3) Any provision in a collective agreement that is in conflict with a provision of a regulation as it affects the employees of a bargaining unit covered by the collective agreement prevails over the provision of the regulation.

Commence-
ment

8.—(1) This Act, except sections 1, 2, 3, 4, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Sections 1, 4, 6 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Public Service Amendment Act, 1972*.

CHAPTER 97

**An Act to amend
The Management Board of Cabinet Act, 1971**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 1 of section 6 of *The Management Board of Cabinet Act, 1971* (2nd Sess.), being chapter 12, is amended by adding at the end thereof “except those allowances which have been determined by bargaining under *The Crown Employees Collective Bargaining Act, 1972*”. s. 6 (1) (c), amended

(2) Clause *e* of subsection 1 of the said section 6 is repealed. s. 6 (1) (e), repealed

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Management Board of Cabinet Amendment Act, 1972*. Short title

CHAPTER 98

The Coroners Act, 1972

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Chief Coroner" means the Chief Coroner for Ontario;

(b) "Minister" means the Solicitor General. *New.*

2.—(1) In so far as it is within the jurisdiction of the Legislature, the common law as it relates to the functions, powers and duties of coroners within Ontario is repealed.

Repeal of
common law
functions

(2) The powers conferred on a coroner to conduct an inquest shall not be construed as creating a criminal court of record. *New.*

Inquest not
criminal
court of
record

3.—(1) The Lieutenant Governor in Council may appoint one or more legally qualified medical practitioners to be coroners for any part of Ontario who, subject to subsections 2, 3 and 4, shall hold office during pleasure.

Appointment
of coroners

(2) A coroner ceases to hold office,

Tenure

(a) upon attaining the age of seventy years; or

(b) where he is a member of the College of Physicians and Surgeons of Ontario, upon the erasure of his name from the register under *The Medical Act*.

R.S.O. 1970,
c. 268

(3) The appointment of a coroner who is a member of the College of Physicians and Surgeons is suspended during any period that his registration is suspended under *The Medical Act*. R.S.O. 1970, c. 87, s. 1.

Suspension

(4) A coroner may resign his office in writing.

Resignation

Residential
areas

(5) The Lieutenant Governor in Council may by regulation establish areas of Ontario and the appointment and continuation in office of a coroner is subject to the condition that he is ordinarily resident in the area named in the appointment. *New.*

Appoint-
ments to
be filed

(6) A certified copy of the order appointing a coroner shall be sent by the Minister to the clerk of the peace of the county or district in which the coroner is to act, and shall be filed by him in his office. R.S.O. 1970, c. 87, s. 4.

Appoint-
ments under
R.S.O. 1970,
c. 87,
continued

(7) All persons holding appointments as coroners under *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, shall be deemed to have been appointed in accordance with the provisions of this Act. *New.*

Chief
Coroner
and duties

4. The Lieutenant Governor in Council may appoint a coroner to be Chief Coroner for Ontario who shall,

- (a) administer this Act and the regulations;
- (b) supervise, direct and control all coroners in Ontario in the performance of their duties;
- (c) conduct programs for the instruction of coroners in their duties;
- (d) bring the findings and recommendations of coroners' juries to the attention of appropriate persons, agencies and ministries of government;
- (e) prepare, publish and distribute a code of ethics for the guidance of coroners;
- (f) perform such other duties as are assigned to him by or under this or any other Act or by the regulations or by the Lieutenant Governor in Council. R.S.O. 1970, c. 87, s. 2 (1), *amended.*

Regional
coroners

5.—(1) The Lieutenant Governor in Council may appoint a coroner as a regional coroner for such region of Ontario as is described in the appointment.

Duties

(2) A regional coroner shall assist the Chief Coroner in the performance of his duties in the region and shall perform such other duties as are assigned to him by the Chief Coroner. *New.*

Coroners'
Council

6.—(1) There shall be a Coroners' Council composed of the Chief Judge of the County and District Courts and not

more than four other persons appointed by the Lieutenant Governor in Council, of whom at least one shall be a legally qualified medical practitioner.

(2) Such officers and employees of the Coroners' Council as ^{Staff} are considered necessary shall be appointed under *The* ^{R.S.O. 1970, c. 386} *Public Service Act*.

(3) A majority of the members of the Coroners' Council ^{Quorum} constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Coroners' Council. *New*.

7.—(1) The functions of the Coroners' Council are, ^{Functions of Council}

- (a) to review and recommend to the Minister the termination of the appointments of coroners who are not actively performing the duties of coroners;
- (b) to receive complaints respecting the misbehaviour or incompetence of or neglect of duty by coroners or the inability of coroners to perform their duties; and
- (c) to take such action to investigate complaints as it considers advisable including the review thereof with the coroner where appropriate, and, after giving the coroner an opportunity to be heard, to make such recommendations to the Minister with respect thereto as it sees fit.

(2) For the purposes of an investigation under this section, ^{Powers} the Coroners' Council has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies ^{1971, c. 49} to the investigation as if it were an inquiry under that Act.

(3) No action or other proceeding for damages shall be ^{Protection from liability} instituted against the Coroners' Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty. *New*.

8. Subject to subsection 3 of section 13, a provincial ^{Authority for judge to act as coroner} judge in a provisional judicial district may perform any of the duties and exercise any of the powers of a coroner in the district in the absence of a coroner. R.S.O. 1970, c. 87, s. 6, *amended*.

9.—(1) Every person who has reason to believe that a ^{Duty to give information} deceased person died,

- (a) as a result of,

- (i) violence,
- (ii) misadventure,
- (iii) negligence,
- (iv) misconduct, or
- (v) malpractice;
- (b) by unfair means;
- (c) during pregnancy or following pregnancy in circumstances that might reasonably be attributable thereto;
- (d) suddenly and unexpectedly;
- (e) from disease or sickness for which he was not treated by a legally qualified medical practitioner;
- (f) from any cause other than disease; or
- (g) under such circumstances as may require investigation,

shall immediately notify a coroner or a police officer of the facts and circumstances relating to the death, and where a police officer is notified he shall in turn immediately notify the coroner of such facts and circumstances.

Deaths to
be reported

(2) Where a person dies while resident or an in-patient in,

R.S.O. 1970,
c. 62

(a) a charitable institution as defined in *The Charitable Institutions Act*;

R.S.O. 1970,
c. 65

(b) a children's boarding home as defined in *The Children's Boarding Homes Act*;

R.S.O. 1970,
c. 66

(c) a children's institution as defined in *The Children's Institutions Act*;

R.S.O. 1970,
c. 206

(d) a home for the aged to which *The Homes for the Aged and Rest Homes Act* applies;

R.S.O. 1970,
c. 204

(e) a home for retarded persons as defined in *The Homes for Retarded Persons Act*;

R.S.O. 1970,
c. 269

(f) a psychiatric facility designated under *The Mental Health Act*;

R.S.O. 1970,
c. 270

(g) an institution under *The Mental Hospitals Act*;

- (h) a nursing home to which *The Nursing Homes Act*, R.S.O. 1970, c. 302 1972 applies;
- (i) a children's mental health centre under *The Children's Mental Health Centres Act*, R.S.O. 1970, c. 68;
- (j) a public or private hospital to which the person was transferred from a hospital, institution or home referred to in clauses *a* to *i*,

the person in charge of the hospital, institution or home shall immediately give notice of the death to a coroner, and the coroner shall investigate the circumstances of the death and, if as a result of the investigation he is of the opinion that an inquest ought to be held, he shall issue his warrant and hold an inquest upon the body. R.S.O. 1970, c. 87, s. 22, amended.

- (3) Where a person dies while he is,

Inmate off premises

- (a) a patient of a psychiatric facility;
- (b) committed to a correctional institution; or
- (c) a ward of a training school,

but while not on the premises or in actual custody thereof, subsections 1 and 2 apply as if the person were a resident of an institution named therein. *New.*

- (4) Where a person dies while detained by or in the actual custody of a peace officer or while an inmate on the premises of a correctional institution, lock-up or training school, the peace officer or officer in charge of the institution, lock-up or training school, as the case may be, shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body. R.S.O. 1970, c. 87, s. 23, amended. Persons in custody

- (5) A statement as to the notification or non-notification of a coroner under this section, purporting to be certified by the coroner is without proof of the appointment or signature of the coroner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 87, s. 7 (2). Certificate as evidence

10. No person who has reason to believe that a person died in any of the circumstances mentioned in section 9 shall interfere with or alter the body or its condition in any way until the coroner so directs. R.S.O. 1970, c. 87, s. 9, amended. Interference with body

11.—(1) Where a coroner has issued his warrant to take possession of the body of a person who has met death by Power of coroner to take charge of wreckage

violence in a wreck, the coroner may, with the approval of the Chief Coroner, take charge of the wreckage and place one or more constables in charge of it so as to prevent persons from disturbing it until the jury at the inquest has viewed it, or the coroner has made such examination as he considers necessary.

View to be expedited

(2) The jury or coroner, as the case may be, shall view the wreckage at the earliest moment possible. R.S.O. 1970, c. 87, s. 21, *amended*.

Shipment of bodies outside Ontario

12.—(1) No person shall accept for shipment or ship or take a dead body from any place in Ontario to any place outside Ontario unless a certificate of a coroner has been obtained certifying that there exists no reason for further examination of the body.

Fee for certificate

(2) An applicant for a certificate under subsection 1 shall pay to the coroner such fee as is prescribed therefor.

Embalming, etc., prohibited

(3) No person who has reason to believe that a dead body will be shipped or taken to a place outside Ontario shall embalm or make any alteration to the body or apply any chemical to the body, internally or externally, until the certificate required by subsection 1 has been issued. R.S.O. 1970, c. 87, s. 10, *amended*.

Warrant for possession of body; investigation

13.—(1) Where a coroner is informed that there is in his jurisdiction the body of a person and that there is reason to believe that the person died in any of the circumstances mentioned in section 9, he shall issue his warrant to take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not an inquest is necessary. R.S.O. 1970, c. 87, s. 12 (1).

Idem

(2) Where the Chief Coroner has reason to believe that a person died in any of the circumstances mentioned in section 9 and no warrant has been issued to take possession of the body, he may issue the warrant himself or direct any coroner to do so. *New*.

Jurisdiction

(3) After the issue of the warrant, no other coroner shall issue a warrant or interfere in the case, except the Chief Coroner or except under the instructions of the Minister. R.S.O. 1970, c. 87, s. 12 (3), *amended*.

Expert assistance

(4) Subject to the approval of the Chief Coroner, a coroner may obtain assistance or retain expert services for all or any part of his investigation or inquest. R.S.O. 1970, c. 87, s. 12 (2), *amended*.

(5) A coroner may proceed with an investigation without ^{No warrant} taking possession of the body where the body has been destroyed in whole or in part or is lying in a place from which it cannot be recovered or has been removed from Ontario.
New.

14.—(1) A coroner may, ^{Investigative powers}

- (a) view or take possession of any dead body, or both; and
- (b) enter and inspect any place where a dead body is and any place from which the coroner has reasonable grounds for believing the body was removed.

(2) A coroner may, where he believes on reasonable and ^{Idem} probable grounds that to do so is necessary for the purposes of the investigation,

- (a) inspect any place in which the deceased person was, or in which the coroner has reasonable grounds to believe the deceased person was, prior to his death;
- (b) inspect and extract information from any records or writings relating to the deceased or his circumstances and to reproduce such copies therefrom as the coroner believes necessary;
- (c) seize anything that the coroner has reasonable grounds to believe is material to the purposes of the investigation.

(3) A coroner may authorize a legally qualified medical practitioner or a police officer to exercise all or any of his ^{Delegation of powers} powers under subsection 1.

(4) A coroner may, where in his opinion it is necessary ^{Idem} for the purposes of the investigation, authorize a legally qualified medical practitioner or a police officer to exercise all or any of his powers under clauses *a*, *b* and *c* of subsection 2 but, where such power is conditional on the belief of the coroner, the requisite belief shall be that of the coroner personally.

(5) Where a coroner seizes anything under clause *c* of ^{Return of things seized} subsection 2, he shall place it in the custody of a police officer for safe keeping and shall return it to the person from whom it was seized as soon as is practicable after the conclusion of the investigation or, where there is an inquest, of the inquest, unless he is authorized or required by law to dispose of it otherwise.

Obstruction
of coroner

(6) No person shall knowingly,

(a) hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with; or

(b) furnish with false information or refuse or neglect to furnish information to,

a coroner in the performance of his duties or a person authorized by him in connection with an investigation. *New.*

Circum-
stances of
death
occurring
outside
jurisdiction

15.—(1) Where a coroner has issued his warrant to take possession of a body and it appears that the death resulted from any of the circumstances mentioned in section 9 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a *post mortem* examination is required, and shall transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.

Investigation
and inquest

(2) The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body.

Notification
of Chief
Coroner

(3) The coroner who refers an investigation to a coroner in another jurisdiction shall notify the Chief Coroner of the transfer, and the Chief Coroner shall assist in the transfer upon request.

Transmitting
results of
first
investigation

(4) The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the *post mortem* examination of the body, his signed statement setting forth briefly the result of his investigation and any evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held. R.S.O. 1970, c. 87, s. 16, *amended*.

Warrant for
burial where
inquest
unnecessary

16.—(1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*. R.S.O. 1970, c. 87, s. 14 (1), *amended*.

R.S.O. 1970,
c. 483

(2) Every coroner shall keep a record of the cases reported in which an inquest has been determined to be unnecessary, showing for each case the identity of the deceased and the coroner's findings of the facts as to how, when, where and by what means the deceased came by his death, including the relevant findings of the *post mortem* examination and of any other examinations or analyses of the body carried out, and such information shall be available to the spouse, parents, children, brothers and sisters of the deceased and to his personal representative, upon request. *New.*

Record of investigations

17. Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Chief Coroner, and a copy to the Crown attorney, a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held. R.S.O. 1970, c. 87, s. 15, *amended.*

Warrant for inquest

18. Where a coroner has reason to believe that a death has occurred in circumstances that warrant the holding of an inquest but, owing to the destruction of the body in whole or in part or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of this section, he shall report the facts to the Chief Coroner who may direct an inquest to be held touching the death, in which case an inquest shall be held by the coroner making the report or by such other coroner as the Chief Coroner directs, and the law relating to coroners and coroners' inquests applies with such modifications as are necessary in consequence of the inquest being held otherwise than on or after a view of the body. R.S.O. 1970, c. 87, s. 17, *amended.*

Where body destroyed or removed from Ontario

19. Where the Minister has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act, whether or not his commission extends to the place where the death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made an investigation, held an inquest, determined an inquest was unnecessary or done any other act in connection with the death. R.S.O. 1970, c. 87, s. 18, *amended.*

Minister may direct coroner to hold inquest

20.—(1) The Minister may appoint a commissioner to conduct an inquest in place of a coroner where the Minister considers it advisable.

Commissioner

Powers

(2) A commissioner appointed under subsection 1 has all the powers and duties of the coroner otherwise having jurisdiction for all purposes connected with the inquest and the coroner shall be deemed to be a person with standing at the inquest. *New.*

Direction
by Chief
Coroner

21. The Chief Coroner may direct the coroner having jurisdiction in respect of any death to issue a warrant to take possession of the body, conduct an investigation or hold an inquest, or may direct any other coroner to do so or may intervene to act as coroner personally for any one or more of such purposes. *New.*

Where
criminal
offence
charged

22.—(1) Where a person is charged with a criminal offence arising out of a death, an inquest touching the death shall be held only upon the direction of the Minister and, when held, the person charged is not a compellable witness.

Idem

(2) Where during an inquest a person is charged with a criminal offence arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, but the Minister may direct that the inquest be reopened. R.S.O. 1970, c. 87, s. 19, *amended.*

Post mortem
examinations
and
analyses

23.—(1) A coroner may at any time during an investigation or inquest issue his warrant for a *post mortem* examination of the body, an analysis of the blood, urine or contents of the stomach and intestines, or such other examination or analysis as the circumstances warrant.

Report

(2) The person who performs the *post mortem* examination shall forthwith report his findings in writing to the coroner who issued the warrant, to the Crown attorney and to the Chief Coroner and the person who performs any other examination or analysis shall forthwith report his findings in writing only to the coroner who issued the warrant, the person who performed the *post mortem* and the Chief Coroner. R.S.O. 1970, c. 87, s. 24 (1, 2), *amended.*

Notice to
Crown
attorney

24.—(1) Every coroner before holding an inquest shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney or his representative shall attend the inquest and shall be deemed to be a person with standing at the inquest.

Special
counsel

(2) The Minister may be represented at an inquest by counsel in addition to or in lieu of the Crown attorney, and such counsel has the same rights as the Crown attorney under subsection 1. R.S.O. 1970, c. 87, s. 25, *amended.*

25.—(1) Where an inquest is held, it shall inquire into ^{Purposes of inquest} and determine,

- (a) who the deceased was;
- (b) how the deceased came to his death;
- (c) when the deceased came to his death;
- (d) where the deceased came to his death; and
- (e) by what means the deceased came to his death.

(2) The jury shall not make any finding of legal responsibility ^{Idem} or express any conclusion of law on any matter referred to in subsection 1.

(3) Subject to subsection 2, the jury may make recommenda- ^{Recom- mendations} tions in respect of any matter arising out of the inquest.

(4) A finding that contravenes subsection 2 is improper and ^{Improper finding} shall not be received.

(5) Where a jury fails to deliver a proper finding it shall ^{Failure to make proper finding} be discharged. *New.*

26. An inquest shall be open to the public except where ^{Inquest public} the coroner is of the opinion that national security might be endangered or where a person is charged with an indictable offence under the *Criminal Code* (Canada) in which cases ^{R.S.C. 1970, c. C-34} the coroner may hold the hearing concerning any such matters *in camera.* *New.*

27.—(1) Except as provided in subsection 3, every inquest ^{Juries} shall be held with a jury.

(2) The number of jurors to be summoned to serve on an ^{Jurors} inquest shall be five and, where fewer than five of the jurors so summoned appear at the time and place appointed for the inquest, the coroner may direct a constable to name and appoint so many persons then present or who can be found as will make up a jury of five. R.S.O. 1970, c. 87, s. 27 (1, 2).

(3) With the consent of the Chief Coroner, an inquest in a ^{Inquest without jury in district} provisional judicial district may be held without a jury. R.S.O. 1970, c. 87, s. 27 (4), *amended.*

28.—(1) A person shall not serve as a juror at an inquest ^{Qualification of jurors} unless he is named in the voters' list of the municipality and

marked therein as qualified to serve as a juror, nor shall a person who has acted as a juror at an inquest act in a similar capacity within one year thereafter. R.S.O. 1970, c. 87, s. 28.

Exclusion
of juror
with interest

(2) The coroner presiding at an inquest may exclude a person from being sworn as a juror where the coroner believes there is a likelihood that the person, because of interest or bias, would be unable to render a verdict in accordance with the evidence. *New.*

Disqualifica-
tion

(3) An officer, employee or inmate of a hospital or an institution referred to in subsection 2 or 3 of section 9 shall not serve as a juror at an inquest upon the body of a person who died therein. R.S.O. 1970, c. 87, s. 29, *amended.*

View of
body may be
dispensed
with

29.—(1) The jury shall view the body where the coroner directs them to do so. R.S.O. 1970, c. 87, s. 30, *amended.*

Questions
by jury

(2) The jurors are entitled to ask relevant questions of each witness. *New.*

Majority

30. A verdict or finding may be returned by a majority of the jurors sworn. R.S.O. 1970, c. 87, s. 31.

Service of
summonses

31. A summons to a juror or to a witness may be served by personal service or by sending it by registered mail addressed to the usual place of abode of the person summoned. R.S.O. 1970, c. 87, s. 32.

Summonses

32.—(1) A coroner may require any person by summons,

(a) to give evidence on oath or affirmation at an inquest;
and

(b) to produce in evidence at an inquest documents
and things specified by the coroner,

relevant to the subject-matter of the inquest and admissible.

Form and
service of
summonses

(2) A summons issued under subsection 1 shall be in Form 1 and shall be signed by the coroner.

Bench
warrants

(3) Upon proof to the satisfaction of a judge of the county or district court of the service of a summons under this section upon a person and that,

- (a) such person has failed to attend or to remain in attendance at an inquest in accordance with the requirements of the summons; and
- (b) his presence is material to the inquest,

the judge may, by his warrant in Form 2, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought to the inquest and to be detained in custody as the judge may order until his presence as a witness at the inquest is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

(4) Service of a summons may be proved by affidavit in an application under subsection 3. Proof of service

(5) Where an application under subsection 3 is made on behalf of a coroner, the coroner may certify to the judge the facts relied on to establish that the presence of the person summoned is material for the purposes of the inquest and such certificate may be accepted by the judge as proof of such facts. *New.* Certificate of facts

33.—(1) On the application of any person before or during an inquest, the coroner shall designate him as a person with standing at the inquest if he finds that the person is substantially and directly interested in the inquest. Persons with standing at inquest

(2) A person designated as a person with standing at an inquest may, Rights of persons with standing at inquest

- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present his arguments and submissions;
- (c) conduct cross-examinations of witnesses at the inquest relevant to the interest of the person with standing and admissible. *New.*

34.—(1) A witness at an inquest shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at an inquest shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence. Protection for witnesses

Right to
object under
R.S.C. 1970,
c. E-10

(2) Where it appears at any stage of the inquest that the evidence that a witness is about to give would tend to criminate him, it is the duty of the coroner and of the Crown attorney to inform the witness of his rights under section 5 of the *Canada Evidence Act*. *New*.

Rights of
witnesses
to counsel

35.—(1) A witness at an inquest is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the inquest without leave of the coroner.

Idem

(2) Where an inquest is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence. *New*.

What is
admissible
in evidence
at inquest

36.—(1) Subject to subsections 2 and 3, a coroner may admit as evidence at an inquest, whether or not admissible as evidence in a court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the purposes of the inquest and may act on such evidence, but the coroner may exclude anything unduly repetitious or anything that he considers does not meet such standards of proof as are commonly relied on by reasonably prudent men in the conduct of their own affairs and the coroner may comment on the weight that ought to be given to any particular evidence.

What is
inadmissible
in evidence
at inquest

(2) Nothing is admissible in evidence at an inquest,

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by the statute under which the proceedings arise or any other statute.

Conflicts

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence.

Copies

(4) Where the coroner is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at an inquest.

Photocopies

(5) Where a document has been filed in evidence at an inquest, the coroner may, or the person producing it or

entitled to it may with the leave of the coroner, cause the document to be photocopied and the coroner may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the coroner. *New.*

37.—(1) The evidence upon an inquest or any part of it shall be recorded by a person appointed by the coroner and approved by the Crown attorney and who before acting shall make oath or affirmation that he will truly and faithfully record the evidence. ^{Taking evidence}

(2) It is not necessary to transcribe the evidence unless the Minister, Chief Coroner or Crown attorney orders it to be done or unless any other person requests a copy of the transcript and pays the fees therefor except that the coroner may prohibit the transcribing of all or any part of evidence taken *in camera*. ^{Transcription of evidence} R.S.O. 1970, c. 87, s. 33, *amended*.

38. An inquest may be adjourned from time to time by the coroner of his own motion or where it is shown to the satisfaction of the coroner that the adjournment is required to permit an adequate hearing to be held. ^{Adjournments} *New.*

39. A coroner may make such orders or give such directions at an inquest as he considers necessary for the maintenance of order at the inquest, and, if any person disobeys or fails to comply with any such order or direction, the coroner may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose. ^{Maintenance of order at inquest} *New.*

40.—(1) A coroner may, and if required by the Crown attorney or requested by the witness shall, employ a person to act as interpreter for a witness at an inquest, and such person may be summoned to attend the inquest and before acting shall make oath or affirm that he will truly and faithfully translate the evidence. ^{Interpreters}

(2) A coroner may appoint such persons as constables as he considers necessary for the purpose of assisting him in an inquest, and, before acting, every such constable shall make oath or affirm that he will faithfully perform his duties. ^{Constables} R.S.O. 1970, c. 87, ss. 34, 35, *amended*.

41. The coroner conducting an inquest has power to administer oaths and affirmations for the purpose of the inquest. ^{Administration of oaths} *New.*

Abuse of
processes

42.—(1) A coroner may make such orders or give such directions at an inquest as he considers proper to prevent abuse of its processes.

Limitation
on cross-
examination

(2) A coroner may reasonably limit further cross-examination of a witness where he is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence.

Exclusion
of agents

(3) A coroner may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent advising a witness if he finds that such person is not competent properly to advise the witness or does not understand and comply at the inquest with the duties and responsibilities of an adviser. *New.*

Contempt
proceedings

43. Where any person without lawful excuse,

- (a) on being duly summoned as a witness or a juror at an inquest makes default in attending at the inquest; or
- (b) being in attendance as a witness at an inquest, refuses to take an oath or to make an affirmation legally required by the coroner to be taken or made, or to produce any document or thing in his power or control legally required by the coroner to be produced by him or to answer any question to which the coroner may legally require an answer; or
- (c) does any other thing that would, if the inquest had been a court of law having power to commit for contempt, have been contempt of that court,

the coroner may state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the coroner, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

Return of
verdict

44. The coroner shall forthwith after an inquest return the verdict or finding, with the evidence where the Minister, Crown attorney or Chief Coroner has ordered it to be transcribed, to the Chief Coroner, and shall transmit a copy of the verdict and recommendations to the Crown attorney. R.S.O. 1970, c. 87, s. 36, *amended.*

45. In proceedings under this Act, it is not necessary for a person to affix a seal to a document, and no document is invalidated by reason of the lack of a seal, even though the document purports to be sealed. R.S.O. 1970, c. 87, s. 40. Seals not necessary

46. Any person who contravenes section 9, 10 or 12 or sub-section 6 of section 14 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 87, s. 11, *amended*. Penalty

47. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing powers and duties of the Chief Coroner;
- (b) prescribing fees for coroners for services performed under this or any other Act;
- (c) prescribing fees and allowances that shall be paid to persons rendering services in connection with coroners' investigations and inquests and providing for the adjustment of such fees in special circumstances;
- (d) prescribing matters that may be grounds for disqualification because of interest or bias of jurors for the purposes of subsection 2 of section 28;
- (e) prescribing forms and providing for their use;
- (f) prescribing additional rules of procedure for inquests. R.S.O. 1970, c. 87, s. 41, *amended*.

48.—(1) *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 87, repealed

(2) Section 93 of *The Government Reorganization Act, 1972*, being chapter 1, is repealed. 1972 Act, amended

49. This Act shall not be held or construed to be a re-enactment of *The Coroners Act*, being chapter 87 of the Revised Statutes of Ontario, 1970, but a reference in any other Act or in any rule, order or regulation made thereunder to such Act shall be held and construed to be a reference to the provisions of this Act relating to the same subject-matter and if there is no provision in this Act relating to the same subject-matter, the repealed Act stands good and shall be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to the Act, rule, order or regulation in which the reference is made. This Act not a re-enactment

Application

50. This Act does not apply in respect of deaths for which a warrant for an investigation or inquest has been issued before this Act comes into force.

Commence-
ment

51. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

52. This Act may be cited as *The Coroners Act, 1972*.

FORM 1

(Section 32 (2))

The Coroners Act, 1972

SUMMONS TO A WITNESS BEFORE AN INQUEST

RE: _____, deceased

TO:

You are hereby summoned and required to attend before an inquest
to be held

at.....in the.....of.....

on.....day, the.....day of.....

19....., at the hour of.....o'clock in the.....noon (local
time), and so from day to day until the inquest is concluded or the coroner
otherwise orders, to give evidence on oath touching the matters in
question in the proceedings and to bring with you and produce at such time

and place.....

.....

.....

Dated this.....day of....., 19.....

.....

Coroner

NOTE:

If you fail to attend and give evidence at the inquest, or to produce the
documents or things specified, at the time and place specified, without
lawful excuse, you are liable to punishment by a judge of the county or
district court in the same manner as if for contempt of that court for
disobedience to a subpoena.

FORM 2

(Section 32 (3))

BENCH WARRANT

PROVINCE OF ONTARIO

TO: A.B., Sheriff, etc.

WHEREAS proof has been made before me that C.D. was duly summoned
to appear before an inquest into the death of.....

deceased, at Toronto (*or as the case may be*) on the.....

day of....., 19....; that the presence of the said C.D. is
material to the inquest, and that the said C.D. has failed to attend in
accordance with the requirements of the summons.

THESE are therefore to command you to take the said C.D. to bring and have him before the said inquest at Toronto (*or, as the case may be*) there to testify what he may know concerning the matters in question in the said inquest, and that you detain him in your custody until he has given his evidence or until the said inquest has ended or until other orders may be made concerning him.

GIVEN UNDER MY HAND this.....day of.....,
19...., at.....

.....
Judge of the County (District) Court
of the County (District) of.....

CHAPTER 99

An Act to amend The Pharmacy Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(da) “interchangeable pharmaceutical product” means a product containing a drug or drugs in the same amounts of the same active ingredients in the same dosage form as that directed by a prescription;

.

(fa) “Parcost C.D.I.” means the Parcost Comparative Drug Index prescribed by the regulations;

.

(ia) “prescriber” means a legally qualified medical practitioner, dentist or veterinary surgeon who gives a prescription.

2. Section 52 of the said Act is repealed and the following substituted therefor:

52.—(1) Notwithstanding section 63, every person who dispenses a prescription may, unless otherwise directed by the prescriber, select and dispense an interchangeable pharmaceutical product other than the one prescribed, provided that the interchangeable pharmaceutical product dispensed is listed as interchangeable in the Parcost C.D.I., and is lower in cost than the drug prescribed.

(2) No person shall knowingly supply an interchangeable product under subsection 1 at a price in excess of

the cost of the lowest priced interchangeable pharmaceutical product in his inventory and the maximum dispensing fee as set out in the Parcost C.D.I.

No liability
for sub-
stitution

- (3) No action or other proceeding lies or shall be instituted against a prescriber or pharmaceutical chemist on the grounds that an interchangeable pharmaceutical product other than the one prescribed was dispensed in accordance with this section.

Information
noted on
prescription

52a.—(1) Every person who dispenses a drug pursuant to a prescription shall ensure that the following information is included on the prescription,

- (a) the name and address of the person for whom the drug is prescribed;
- (b) the name, strength (where applicable) and quantity of the prescribed drug;
- (c) the directions for use, as prescribed;
- (d) the name and address of the prescriber;
- (e) the identity of the manufacturer of the drug dispensed;
- (f) an identification number or other designation;
- (g) the signature of the person dispensing the drug and, where different, also the signature of the person receiving an oral prescription;
- (h) the date on which the drug is dispensed;
- (i) the price charged.

Retention
of records

- (2) The records required under subsection 1 shall be retained for not less than six years.

Identifica-
tion
markings

- (3) The container in which the drug is dispensed shall be marked with,
- (a) the identification number that is on the prescription;
 - (b) the name, address and telephone number of the pharmacy in which the prescription is dispensed;

(c) the identification of the drug as to its name, its strength and its manufacturer, unless directed otherwise by the prescriber;

(d) the name of the owner of the pharmacy;

(e) the date the prescription is dispensed;

(f) the name of the prescriber;

(g) the name of the person for whom it is prescribed;

(h) the directions for use as prescribed.

(4) The Minister may require any person operating a pharmacy to make available to him any information from records required to be kept under this section. ^{Disclosure of records}

3. Section 57 of the said Act is amended by adding thereto the following clauses: ^{s. 57, amended}

(k) regulating the use of containers in which drugs may be dispensed and designating organizations to test, certify and designate containers that meet standards approved by the Minister for such purposes as may be specified in the regulations, and requiring the use of containers that are so certified and designated except under such circumstances as are prescribed;

(l) prescribing the Parcost C.D.I. for the purposes of this Act.

4. This Act comes into force on the day it receives ^{Commence-}ment
Royal Assent.

5. This Act may be cited as *The Pharmacy Amendment Act, 1972*. ^{Short title}

CHAPTER 100

An Act to amend The Income Tax Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 15 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 1, is repealed and the following substituted therefor:

s. 1 (1), par. 15,
re-enacted

15. “individual” means a person other than a corporation, and includes a trust or estate as defined in subsection 1 of section 104 of the Federal Act.

2. Clause *a* of subsection 4 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is repealed and the following substituted therefor:

s. 3 (4) (a),
re-enacted

(a) “tax payable under the Federal Act” means the amount that, but for section 120 of the Federal Act, would be the tax payable by a taxpayer under Part I of that Act for the taxation year in respect of which the expression is being applied computed as if the taxpayer were not entitled to any deduction under section 126 or 127 of that Act.

3. Subsection 6 of section 5 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 5, is repealed and the following substituted therefor:

s. 5 (6),
re-enacted

(6) Where an election for a year of averaging filed ^{Idem} under subsection 1 of section 119 of the Federal Act has been revoked by the taxpayer in accordance with subsection 5 of section 119 of the Federal Act, subsection 1 of this section is not applicable in determining the tax payable under this Part for the year of averaging.

s. 6 b,
enacted

4. The said Act is amended by adding thereto the following section:

Interpre-
tation

6b.—(1) In this section,

- (a) “housing unit” includes any premises ordinarily occupied or inhabited as a residence by the taxpayer in a taxation year, but does not include premises occupied or inhabited by a taxpayer in a private or public nursing home, charitable institutions, homes for the aged or homes for special care, which are prescribed by regulation, or premises which have not been designated by the taxpayer to be his principal residence;
- (b) “municipal tax” means taxes imposed in Ontario for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement and other special rates;
- (c) “occupancy cost” means,
 - (i) where municipal tax is paid in the taxation year by a principal taxpayer or his spouse in respect of the principal residence, the municipal tax so paid in the taxation year, and
 - (ii) where a rental or other payment is paid in Ontario by the principal taxpayer or his spouse in respect of the principal residence in Ontario, 20 per cent of the rental or other payment, excluding any payment made on account of meals or board, so paid in the taxation year,but, where municipal tax and rental or other payment is paid with respect to the same principal residence, means the municipal tax so paid;
- (d) “principal residence” means a housing unit, either owned or rented by the taxpayer or by his spouse, ordinarily occupied by the taxpayer in Ontario in the taxation year, and designated by him in prescribed manner to be his principal residence in the taxation year;

- (e) "principal taxpayer" means a taxpayer who occupies or inhabits a principal residence in Ontario on the last day of the taxation year, or when a taxpayer occupies or inhabits a principal residence with his spouse, means that spouse who has the higher taxable income in the taxation year, but "principal taxpayer" does not include any person under the age of 16 years on the last day of the taxation year or any person under the age of 21 years on the last day of the taxation year who resides in the principal residence of and is claimed as a dependant by another taxpayer in that taxation year.

(2) There may be deducted from the tax otherwise payable Property tax credit under this Act for the taxation year by an individual resident in Ontario on the last day of the taxation year who is a principal taxpayer in the taxation year, an amount, calculated in respect of occupancy costs of the principal residence, which amount is equal to the least of,

- (a) if the occupancy cost is \$90 or more in the taxation year, the aggregate of \$90 and 10 per cent of the occupancy cost minus 1 per cent of the taxable income of the principal taxpayer;
- (b) if the occupancy cost is less than \$90 in the taxation year, the occupancy cost minus 1 per cent of the taxable income of the principal taxpayer; or
- (c) \$250.

(3) Where the principal residence of a principal taxpayer who Deemed occupancy cost for students is a full-time student during a taxation year is in a residence of a college or of a university designated by the Lieutenant Governor in Council for purposes of section 304 of *The Municipal Act*, and if the municipality in which the college or university is situate receives a grant from Ontario in lieu of municipal taxes, for the purposes of this section, the occupancy cost of such principal taxpayer in such residence shall be deemed to be \$25 for the period in the taxation year during which the principal taxpayer was so resident. R.S.O. 1970, c. 284

(4) Where a taxpayer dies in the taxation year having had a Death of principal taxpayer principal residence immediately before his death and he or his spouse has paid any municipal tax or rental or other payment in relation to the principal residence, the legal representative of such deceased taxpayer may claim in prescribed manner from the tax otherwise payable under this Act by the

deceased taxpayer, the deduction which could have been claimed under subsection 2 in relation to the amount so paid by the deceased taxpayer or his spouse as if the deceased taxpayer had been the principal taxpayer in relation to such principal residence.

s. 9 (4a),
re-enacted

5. Subsection 4a of section 9 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session) chapter 1, section 9, is repealed and the following substituted therefor:

Idem

(4a) Notwithstanding subsection 4, there shall not be included in computing the income of a taxpayer, for the purposes of any reassessment, additional assessment or assessment of tax, interest or penalties that is made after the expiration of four years from the day referred to in subclause ii of clause a of subsection 4, any amount that was not included in computing his income for the purposes of an assessment of tax made before the expiration of four years from that day, and,

(a) in respect of which the taxpayer establishes that the failure so to include it did not result from any misrepresentation that is attributable to neglect, carelessness or wilful default or from any fraud in filing a return of his income or in supplying any information under this Act; or

(b) that the taxpayer establishes cannot reasonably be regarded as relating to a matter specified in a waiver filed by the taxpayer with the Provincial Minister, in the form and within the time referred to in subsection 4, with respect to a taxation year to which the reassessment, additional assessment or assessment of tax, interest or penalties, as the case may be, relates.

s. 34 (8),
re-enacted

6. Subsection 8 of section 34 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 21, is repealed and the following substituted therefor:

Assessment
for amount
deducted

(8) The Provincial Minister may assess any person for any amount that has been deducted or withheld by that person under this Act or a regulation or that is payable by that person under this section and, upon his sending a notice of assessment to that person, Divisions I and J of Part I of the Federal Act are applicable *mutatis mutandis*.

7. This Act comes into force on the day it receives Royal ^{Commence-}Assent and applies with respect to the 1972 and subsequent ^{ment}taxation years.

8. This Act may be cited as *The Income Tax Amendment* ^{Short title}*Act, 1972*.

CHAPTER 101

**An Act to amend
The Loan and Trust Corporations Act**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, is amended by inserting after “company” in the seventh line “a credit union incorporated under *The Credit Unions Act*”. s. 1 (h),
amended

2. Subsection 3 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (3),
re-enacted

- (3) Sections 3 to 65, except sections 24, 26, 30 and 46, and sections 72 to 76, and sections 95, 98, 99, 100, 158, 163 and 165 apply only to provincial corporations. Idem
- (4) Sections 66 to 71 apply only to registered corporations having their head office in Ontario. Idem
- (5) Sections 127, 128, 138, 156, 157, 166 and 167 and sections 170 to 172 and section 175 apply only to registered corporations. Idem

3. Clause *a* of subsection 1 of section 57 of the said Act is amended by striking out “statutory” in the second line and inserting in lieu thereof “written”. s. 57 (1) (a),
amended

4. Sections 58 and 59 of the said Act are repealed and the following substituted therefor: ss. 58, 59,
re-enacted

- 58.** No transfers or issue of shares of a corporation shall be entered in the books maintained under section 66 until thirty days after notice thereof has been deposited with the Registrar, if, Report to
the Registrar

- (a) the transfer or issue relates to 10 per cent or more of the issued shares of the corporation for the time being enjoying voting rights; or
- (b) the directors have reason to believe that the transfer or issue would result in a majority of the issued shares of the corporation for the time being enjoying voting rights being beneficially owned by any one person.

Liability of
directors

59. In determining, for the purposes of sections 54 to 58, whether a person is a resident or a non-resident, by whom a corporation is controlled or any other circumstances relevant to the performance of their duties under those sections, the directors of the corporation and any other person acting as proxy for a shareholder of the corporation may rely upon any statement made in any declarations made under section 57 or rely upon their own knowledge of the circumstances; and the directors and any such person are not liable in any action for anything done or admitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

s. 65,
amended

5. Section 65 of the said Act is amended by adding thereto the following subsections:

Prohibition
re purchase
of common
shares

(12) A corporation may purchase its own common shares if the purchase is made,

- (a) for the purpose of eliminating fractions of shares; or
- (b) for the purpose of collecting or compromising indebtedness to the corporation.

Not to
redeem if
insolvent

(13) A corporation shall not redeem or purchase its own preference shares if,

- (a) the corporation is insolvent or if the redemption or purchase would render the corporation insolvent; or
- (b) the effect of the redemption or purchase would reduce the corporation's unimpaired capital and reserve to an amount that would place the corporation in contravention of section 82 or 90.

- (14) The authorized and issued capital of the corporation is decreased when it redeems or purchases its own preference shares by the number and par value of the shares so purchased or redeemed and subsections 1 to 3 and 5 to 12 do not apply thereto. Decrease in capital by redemption

6. Section 74 of the said Act is amended by adding thereto the following subsection: s. 74, amended

- (7a) Where a corporation is a holding corporation and the financial statement to be presented to its shareholders is on a consolidated basis, the auditor in his report to the shareholders of the corporation shall state the additional amount, if any, that in his opinion is necessary to make full provision for, Statement on a consolidated basis

(a) where there is only one subsidiary of the corporation, the corporation's proportion of any loss of its subsidiary since it acquired shares of the subsidiary;

(b) where there is more than one such subsidiary, the corporation's proportion of the aggregate losses of its subsidiaries since it acquired shares of the subsidiaries that is in excess of its proportion of any undistributed profits of its subsidiaries since it acquired shares of the subsidiaries.

7. Section 76 of the said Act is amended by adding thereto the following subsection: s. 76, amended

- (6) This section does not apply to a loan corporation that does not accept money by way of deposit or issue debentures. Exemption

8. Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor: s. 78 (4), re-enacted

- (4) Subsection 1 applies to loan corporations registered on or after the 1st day of January, 1968 and subsection 1 of section 71 of *The Loan and Trust Corporations Act*, being chapter 222 of the Revised Statutes of Ontario, 1960, as re-enacted by subsection 1 of section 5 of *The Loan and Trust Corporations Amendment Act, 1966*, applies to loan corporations registered before the 1st day of January 1968. Application of subsection 1 1966, c. 81

s. 80 (c),
re-enacted

9. Clause *c* of section 80 of the said Act is repealed and the following substituted therefor:

(c) mature on such date.

s. 81 (1),
amended

10. Subsection 1 of section 81 of the said Act is amended by inserting after "Every" in the first line "registered".

s. 87,
amended

11. Section 87 of the said Act is amended by adding thereto the following subsection:

Borrowing
by-law

(3) A provincial trust company shall not borrow money under subsection 2 unless it is authorized to do so by by-law and such by-law does not take effect unless it;

(a) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the trust company duly called to consider such by-law; or

(b) has been passed by the directors and confirmed at a general meeting of the shareholders of the trust company duly called to consider such by-law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

s. 89a,
enacted

12. The said Act is amended by adding thereto the following section:

Deposit and
investment
by-law

89a. A provincial trust company shall not exercise any of the powers contained in sections 88 and 89 unless it is authorized to do so by by-law and such by-law does not take effect unless it,

(a) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the trust company duly called to consider such by-law; or

(b) has been passed by the directors and confirmed at a general meeting of the shareholders of the trust company duly called to consider such by-

law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

13. Section 91 of the said Act is amended by inserting after ^{s. 91, amended} “a” in the first line “provincial”.

14. Subsection 1 of section 93 of the said Act is amended ^{s. 93 (1), amended} by inserting after “Every” in the first line “registered”.

15. Subsection 5 of section 136 of the said Act is amended by ^{s. 136 (5), amended} inserting after “a” in the first line “provincial”.

16. Subsection 3 of section 137 of the said Act is repealed ^{s. 137 (3), re-enacted} and the following substituted therefor:

- (3) Upon the application for registration of a corporation, ^{Registry on terms} other than a provincial corporation, the Registrar may recommend to the Minister that the corporation be admitted to registry on terms and conditions and the Minister, if he so approves, may direct that the corporation be admitted to registry on such terms and conditions as he may prescribe, including a deposit of approved securities with him to such amount as he considers necessary from time to time and, so long as such conditions are satisfied and no final judgment against the corporation or order for its winding up or for distribution of its assets is given to the Minister, the corporation is entitled to receive the interest upon the securities forming the deposit.

17. Subsection 2 of section 146 of the said Act is repealed ^{s. 146 (2), re-enacted} and the following substituted therefor:

- (2) Any setting up or exhibiting of a sign or inscription ^{Matters deemed undertaking business} containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf, or the advancing of funds of others in the purchase or lending on the security of mortgages that are assigned or registered in the name of the corporation, shall, both as to the corporation and as to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section.

s. 150 (1) (l),
re-enacted

18. Clause *l* of subsection 1 of section 150 of the said Act is repealed and the following substituted therefor:

preferred
shares

(l) the preferred shares of a company if,

(i) the company has paid a dividend in each of the five years preceding the date of investment at least equal to the specified annual rate upon all its preferred shares, or

(ii) the common shares of the company are, at the date of investment, authorized as investments by clause *m*.

s. 157 (1),
amended

19. Subsection 1 of section 157 of the said Act is amended by adding thereto the following clause:

(c) make any investment in common shares the effect of which will be that the corporation will hold in the aggregate common shares carried on its books at more than 25 per cent of the book value of the total assets of the corporation if a loan corporation, or more than 25 per cent of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits if a trust company.

s. 159 (2),
repealed

20. Subsection 2 of section 159 of the said Act is repealed.

s. 163,
amended

21. Section 163 of the said Act is amended by adding thereto the following subsection:

Exception

(8) Notwithstanding the provisions of this section, a corporation is not prohibited from making a *bona fide* mortgage loan on the security of a residence of one of its officers who is not a director, where the loan is authorized by the directors of the corporation.

s. 168 (3),
re-enacted

22.—(1) Subsection 3 of section 168 of the said Act is repealed and the following substituted therefor:

Report of
auditor on
annual
statement

(3) The statement referred to in subsection 1 shall have attached the report of the auditor, which shall be in the form and content required by section 74.

s. 168 (8),
re-enacted

(2) Subsection 8 of the said section 168 is repealed and the following substituted therefor:

Filing of
financial
statements

(8) Every registered corporation shall file with the Registrar a certified copy of any financial statement

furnished to its shareholders within thirty-one days after distribution of the statement to its shareholders.

23. Subsections 1 and 2 of section 178 of the said Act are repealed and the following substituted therefor: s. 178 (1), re-enacted
s. 178 (2), repealed

(1) The Lieutenant Governor in Council may make, Regulations regulations,

(a) requiring the payment of fees for letters patent of incorporation and supplementary letters patent and in respect of any function performed by the Registrar under this Act and prescribing the amounts thereof;

(b) prescribing the terms and conditions under which registered corporations may invest their funds in fully paid shares under sections 152 and 155.

24. Schedules A and B of the said Act are repealed.

Scheds. A, B,
repealed

25.—(1) This Act, except section 12, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 12 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

26. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1972*. Short title

CHAPTER 102

**An Act to amend The Ontario
Municipal Employees Retirement System Act**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1,
re-enacted

1. In this Act,

Interpre-
tation

- (a) “approved pension plan” means a pension plan that has been established by a municipality or local board under any general or special Act;
- (b) “benefit” means a pension, refund or other payment that may be payable in accordance with the regulations to or with respect to a member;
- (c) “Board” means the Ontario Municipal Employees Retirement Board;
- (d) “councillor” means a person who is a member of a council of a municipality;
- (e) “earnings”, in the case of an employee who is a member, means the salary or wages paid to him by an employer including the value of any perquisites received from an employer and, in the case of a councillor who is a member, means any moneys paid to him for his services as a councillor under *The Municipal Act* or under any Act establishing a metropolitan, regional or district municipality;

R.S.O. 1970,
c. 284

R.S.O. 1970,
cc. 455, 387

(f) “employee” means any person who is employed by an employer, but does not include any person who contributes to a pension plan under *The Teachers’ Superannuation Act* or *The Public Service Superannuation Act*;

(g) “employer” means a municipality or local board, or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act;

(h) “Fund” means the Ontario Municipal Employees Retirement Fund;

R.S.O. 1970,
c. 118

(i) “local board” means a local board as defined in *The Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council and the Board;

(j) “member” means a person who has become a member of the System;

(k) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(l) “municipality” includes a metropolitan, regional and district municipality;

(m) “pension” means an amount that is payable at periodic intervals in accordance with the regulations;

(n) “prior service” means the service of an employee or councillor before the date upon which this Act and the regulations become applicable to the employer;

(o) “regulations” means the regulations made under this Act;

(p) “service” means service rendered to an employer by an employee or councillor, as the case may be, for which earnings are received;

- (q) "supplementary benefit" means a benefit in addition to the benefit to which a member or the widow, widower, child, beneficiary or estate of the member is entitled by reason of his membership in the System;
- (r) "System" means the Ontario Municipal Employees Retirement System;
- (s) "widow" or "widower" includes a woman or a man who,
- (i) establishes to the satisfaction of the Board that she or he had, for a period of not less than seven years immediately prior to the death of a member with whom she or he had been residing and with whom by law, she or he was prohibited from marrying by reason of a previous marriage either of the member or of herself or himself to another person, been maintained and publicly represented by the member as her husband or his wife, or
 - (ii) establishes to the satisfaction of the Board that she or he had, for a number of years immediately prior to the death of a member with whom she or he had been residing, been maintained and publicly represented by the member as her husband or his wife, and that at the time of the death of the member, neither she or he nor the member was married to any other person.

2. The said Act is amended by adding thereto the ^{s. 1a, enacted} following section:

- 1a. For the purposes of this Act, a woman or a man ^{When common-law wife deemed married to member} who has established to the satisfaction of the Board that she or he is a widow or widower under sub-clause i or ii of clause s of section 1 shall, if the Board so directs, be deemed to have become married to the member at such time as she or he commenced being represented by him or her as his wife or husband and a woman or man who could establish that she or he is a widow or widower under

subclause i or ii of clause s of section 1 but for her or his marriage to a member after such time as she or he commenced being represented by him or her as his wife or her husband shall, if the Board so directs, be deemed to have become married to the member at the time when, in fact, she or he commenced being so represented.

s. 4 (1),
amended

3. Subsection 1 of section 4 of the said Act is amended by inserting after "widows" in the third line "widowers".

s. 13 (f),
amended

4.—(1) Clause *f* of section 13 of the said Act is amended by inserting after "employees" in the second line "and councillors".

s. 13 (h) (iii),
re-enacted

(2) Subclause iii of clause *h* of the said section 13 is repealed and the following substituted therefor:

(iii) a pension to the widow, widower or children.

s. 13,
amended

(3) The said section 13 is amended by adding thereto the following clause:

(*ka*) prescribing the terms and conditions upon which pensions and increases in pensions for retired employees, their widows, widowers and children may be provided.

s. 13 (m),
amended

(4) Clause *m* of the said section 13 is amended by striking out "employees" in the third line and inserting in lieu thereof "members".

s. 13,
amended

(5) The said section 13 is further amended by adding thereto the following clause:

(*ma*) prescribing the terms and conditions upon which members may accumulate pension benefits while absent from duty.

s. 14 (1),
amended

5.—(1) Subsection 1 of section 14 of the said Act is amended by striking out "employee" in the third line and inserting in lieu thereof "member".

s. 14,
amended

(2) The said section 14 is amended by adding thereto the following subsection:

Participation
in System

(1a) Participation in the System by a municipality may be in respect of both councillors and employees or in respect of either of them.

6. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

7. This Act may be cited as *The Ontario Municipal* ^{Short title}
Employees Retirement System Amendment Act, 1972.

CHAPTER 103

An Act to amend The Police Act

Assented to June 30th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 97, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Arbitration Commission" means the Ontario Police Arbitration Commission established under section 39.

2. Sections 29 and 30, sections 31 and 32 as amended by ss. 29-34, re-enacted; s. 35, repealed the Statutes of Ontario, 1972, chapter 1, section 97, sections 33 and 34, and section 35 as amended by the Statutes of Ontario, 1972, chapter 1, section 97, of the said Act are repealed and the following substituted therefor:

29.—(1) A majority of the members of the police force may, where no agreement exists or at any time after ninety days before an agreement would expire but for section 36, give notice in writing to the council of the municipality or, where there is a board, the board, of its desire to bargain with a view to making an agreement or to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

(2) Where notice has been given under subsection 1, the council of the municipality or, where there is a board, the board, shall meet with a bargaining committee of the members of the police force within fifteen days from the giving of the notice or within such further period as the parties agree upon and the parties shall bargain in good faith and make every reasonable effort to come to an agreement for the purpose of making an agreement in writing defining, determining and providing for remuneration, pen-

sions, sick leave credit gratuities, grievance procedures or working conditions of the members of the police force, other than the chief of police and any deputy chief of police, except such working conditions as are governed by a regulation made by the Lieutenant Governor in Council under this Act.

Association

- (3) Where not less than 50 per cent of the members of the police force belong to an association, any notice under subsection 1 shall be given by the association.

Affiliated
body

- (4) In every case under this section, the members of a bargaining committee shall be members of the police force, but, where,

(a) the association is affiliated with a police organization; or

(b) not less than 50 per cent of the members of the police force belong to a police organization,

at all meetings of the parties held for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only.

Counsel

- (5) In addition to the person mentioned in subsection 4, a bargaining committee may be accompanied by one legal counsel and one other adviser and the council or the board, as the case may be, or bargaining committee thereof, may be accompanied by one legal counsel and one other adviser.

Bargaining
by council
or board

- (6) The council or, where there is a board, the board may designate one or more of its members as a bargaining committee to bargain on its behalf.

Pension
plans under
R.S.O. 1970,
c. 284

- (7) Where a notice under subsection 1 involves pensions under a pension plan established or to be established under *The Municipal Act*, the notice shall also be given to the Ministry of Treasury, Economics and Intergovernmental Affairs, which may determine the maximum pension benefits that may be included in any agreement or award with respect to such pension plan.

Senior
officer
defined

- 30.—(1) In this section, “senior officer” means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or

confidential capacity, but does not include a chief of police or deputy chief of police.

- (2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, sections 29, 31 and 32 apply to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association and the senior officers shall not be included as members of the police force for the purposes of bargaining, conciliation and arbitration. ^{Separate bargaining by senior officers}
- 31.—(1) Where notice has been given under subsection 1 of section 29, the Solicitor General, upon the request of either party, may appoint a conciliation officer. ^{Conciliation officer}
- (2) The conciliation officer shall confer with the parties and endeavour to effect an agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Solicitor General. ^{Duties}
- (3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Solicitor General upon the advice of the conciliation officer that an agreement may be made within a reasonable time if the period is extended. ^{Extension of time}
- (4) Where the conciliation officer reports to the Solicitor General that the differences between the parties concerning the terms of an agreement have been settled or that an agreement cannot be reached, the Solicitor General shall forthwith by notice in writing inform the parties of the report. ^{Report}
- (5) Where the appointment of a conciliation officer has been requested under subsection 1, neither party shall give notice pursuant to section 32 requiring all matters in dispute to be referred to an arbitrator, until the Solicitor General has informed the parties of the report of the conciliation officer in accordance with subsection 4 or of his determination that a conciliation officer should not be appointed. ^{No arbitration during conciliation}
- 32.—(1) Where after bargaining under section 29, the council of the municipality or, where there is a board, the board, or the members of the police force or, where there is a bargaining committee, the bargaining committee is satisfied that an agreement cannot be ^{Arbitration}

reached, it may by notice in writing to the Solicitor General and to the other party require all matters in dispute to be referred to an arbitrator designated by the Solicitor General.

Commence-
ment and
termination
of
arbitration
proceedings

- (2) The arbitrator shall commence the arbitration proceedings within thirty days after he is designated and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

Representa-
tions by
councils

- (3) Where a board or a bargaining committee of the board is a party to proceedings before an arbitrator, the council may, when authorized by resolution thereof, make or have made on its behalf representations before the arbitrator.

Costs

- (4) The Arbitration Commission shall pay the fees of the arbitrator and each party to the arbitration shall bear its own costs incurred in the proceedings except for those costs and expenses of the arbitration for matters shared in common, which shall be borne equally by the parties.

Application
of R.S.O. 1970,
c. 25

- (5) *The Arbitrations Act* does not apply to an arbitration under this section.

Deter-
mination of
disputes

33.—(1) Where,

- (a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 29, 30 or 31, or of a decision or award of an arbitrator made under section 32; or
- (b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an arbitrator and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Solicitor General upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

- (2) Each party to an arbitration under subsection 1 shall ^{Costs} share equally the cost of the arbitration proceedings and the cost of the arbitrator.
- (3) The arbitrator may, and, at the request of either of ^{Enforcement} the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.
34. Any period mentioned in section 29, 31, 32 or 33 may ^{Extension of period mentioned in ss. 29, 31-33} be extended by agreement of the parties.

3. Subsection 1 of section 36 of the said Act is repealed and ^{s. 36 (1), re-enacted} the following substituted therefor:

- (1) Every agreement made under section 29 or 30 and ^{Agreements and awards binding} every decision or award of an arbitrator is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police.

4. Section 39 of the said Act is repealed and the following ^{s. 39, re-enacted; ss. 39a, 39b, enacted} substituted therefor:

- 39.—(1) There shall be a commission to be known as the ^{Ontario Police Arbitration Commission established} Ontario Police Arbitration Commission consisting of five members appointed by the Lieutenant Governor in Council, of whom one shall be designated as chairman to hold office during the pleasure of the Lieutenant Governor in Council.
- (2) Two members of the Arbitration Commission, other ^{Composition} than the chairman, shall be representative of police governing bodies and two members, other than the chairman, shall be representative of members of police forces.
- (3) The first appointments of representatives of police ^{Term of appointments} governing bodies and members of police forces shall be for terms of one and two years in each case and thereafter for terms of two years, and representatives are eligible for reappointment.

Full-time
arbitrator

- (4) There shall be a full-time arbitrator on the staff of the Arbitration Commission who shall be appointed by the Solicitor General upon the recommendation of the Arbitration Commission.

Staff

- (5) Such other officers and employees as are considered necessary shall be appointed to the staff of the Arbitration Commission under *The Public Service Act*.

R.S.O. 1970,
c. 386

Duties and
functions of
Arbitration
Commission

- (6) The duties and functions of the Arbitration Commission are to,
- (a) maintain a register of arbitrators available for designation by the Solicitor General under this Act;
 - (b) assist arbitrators by making the administrative arrangements required for the conduct of arbitrations;
 - (c) sponsor the publication and distribution of information in respect of arbitration processes and awards;
 - (d) sponsor research in respect of arbitration processes and awards;
 - (e) fix the fees of arbitrators for the purposes of section 33 and determine the amount that shall be deemed to be the fees of the full-time arbitrator on the staff of the Arbitration Commission where he acts under the said section, which amount shall be paid to the Arbitration Commission.

Filing
agreements

- 39a.—(1) Where a council or board enters into an agreement in respect of matters referred to in subsection 2 of section 29, the council or board shall file a copy of the agreement with the Arbitration Commission.

Filing
awards

- (2) An arbitrator who makes an award or decision under section 32 or 33 shall file a copy of the award with the Arbitration Commission.

Regulations

- 39b. Subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations,
- (a) governing the conduct of arbitration proceedings and prescribing procedures therefor;

(b) prescribing forms and providing for their use.

5. This Act does not apply in respect of bargaining in^{Application of Act} respect of which notice has been given before this Act comes into force, or in respect of arbitration resulting therefrom.

6. This Act comes into force on a day to be named by the^{Commence-ment} Lieutenant Governor by his proclamation.

7. This Act may be cited as *The Police Amendment Act, 1972*.^{Short title}

CHAPTER 104

**An Act to establish
The Regional Municipality of Sudbury**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,Inter-
pre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Sudbury, the Town of Capreol, the Town of Dowling, the Town of Neelon and Garson, the Town of Rayside-Balfour, the Town of Valley East and the Town of Waters, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1972 a local municipality and any geographic township or part thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area" means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means the Regional Municipality of Sudbury;
- (q) "Regional Council" means the council of the Regional Corporation;

- (r) "regional road" means a road forming part of the regional road system established under Part VIII;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,

Constitution
of area
municipalities

- (a) The Corporation of the Town of Capreol together with the geographic township of Hutton and the geographic township of Norman are amalgamated as a town municipality bearing the name of The Corporation of the Town of Capreol and the portion of the geographic township of Parkin, described as follows, is annexed to such town:

COMMENCING at the southwest angle of the geographic township of Parkin;

THENCE northerly along the west boundary of the Township of Parkin to the northwest corner of Lot 12 in Concession I of the said Township;

THENCE easterly along the north limit of Lot 12 to the northeast angle thereof;

THENCE southerly along the east limit of Lot 12 in Concession I in the said Township of Parkin to the south boundary of the said Township;

THENCE westerly along the south boundary of the Township of Parkin to the point of commencement;

- (b) The Corporation of the Town of Levack and The Corporation of the Improvement District of Onaping are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dowling and the portions of the Township of Dowling and the geographic township of Levack described as follows are annexed to such town:

FIRSTLY, part of the Township of Dowling, commencing at a point in the northwest angle of the Township of Dowling the said point being the southwest angle of the Improvement District of Onaping;

THENCE easterly along the north boundary of the said Township of Dowling to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Dowling to the limit between the north half and the south half of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Concession III of the geographic township of Fairbank to the west boundary of the Township of Dowling;

THENCE northerly along the west boundary of the Township of Dowling to the point of commencement;

SECONDLY, part of the geographic township of Levack, commencing at the northwest angle of the geographic township of Levack;

THENCE easterly along the north boundary of the said township to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Levack to the north boundary of the Improvement District of Onaping;

THENCE westerly along the north boundary of the said Improvement District of Onaping to the east boundary of the Town of Levack;

THENCE following the boundaries between the geographic township of Levack and the Town of Levack to the boundary of the Improvement District of Onaping;

THENCE westerly along the northerly boundary of the said Improvement District to the west boundary of the said geographic township of Levack;

THENCE northerly along the west boundary of the said township to the point of commencement;

- (c) The Corporation of the Town of Coniston, The Corporation of the Township of Falconbridge and the geographic township of Maclellan are amalgamated as a town municipality bearing the name of The Corporation of the Town of Neelon and Garson and the portions of the Township of Neelon and Garson and the geographic township of Dryden, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE southerly, easterly and southerly along the boundaries of the Township of Neelon and Garson to the southerly boundary of the said Township;

THENCE easterly along the southerly boundary of the Township of Neelon and Garson to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the northeast angle thereof;

THENCE westerly along the northerly boundary of the Township of Neelon and Garson to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Coniston;

SECONDLY, part of the geographic township of Dryden, commencing at a point in the easterly boundary of the Township of Dryden where it is intersected by the limit between the north half and the south half of Lot 1 in Concession 1 of the said Township of Dryden;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8 and part of Lot 9 in Concession I of the Township of Dryden to the westerly limit of Secondary Highway Number 537;

THENCE northerly along the westerly limit of the said Secondary Highway to the south limit of Lot 9 in Concession II of the said Township of Dryden;

THENCE westerly along the south limit of part of Lot 9 and the south limits of lots 10, 11 and 12 in Concession II of the Township of Dryden to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Dryden to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Dryden to the northeast angle of the said Township;

THENCE southerly along the east boundary of the said Township of Dryden to the point of commencement;

- (d) The portions of the Township of Balfour and the geographic township of Snider, described as follows, are annexed to The Corporation of the Township of Rayside to establish a town municipality bearing the name of The Corporation of the Town of Rayside-Balfour:

FIRSTLY, part of the Township of Balfour, commencing at the northwest angle of the Township of Balfour;

THENCE easterly along the north boundary of the Township of Balfour being along the north boundary of the geographic township of Morgan to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Balfour to the southeast corner of Lot 1 in Concession IV in the geographic township of Creighton;

THENCE westerly along the south limit of lots 1 to 12, both inclusive, in Concession IV of the said Township of Creighton to the west boundary of the geographic township of Creighton, being also the west boundary of the Township of Balfour;

THENCE northerly along the west boundaries of the said Township of Balfour to the point of commencement;

SECONDLY, part of the geographic township of Snider, commencing at the northeast corner of Lot 1, in Concession IV of the said Township of Snider;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said Township of Snider to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Snider to the northwest corner of broken Lot 10 in Concession V of the said Township;

THENCE easterly in a straight line along the north limit of Concession V of the geographic township of Snider being along the south boundary of the Township of Rayside to the east boundary of the said geographic township;

THENCE southerly along the east boundary of the Township of Snider to the point of commencement;

- (e) The Corporation of the City of Sudbury and The Corporation of the Town of Copper Cliff are amalgamated as a city municipality bearing the name of The Corporation of the City of Sudbury and the portions of the geographic townships of Broder, Dill, Eden and Tilton, described as follows, are annexed to such city:

FIRSTLY, part of the geographic township of Broder, commencing at the southwest angle of the Township of Broder;

THENCE northerly along the west boundary of the Township of Broder to the northwest angle thereof;

THENCE easterly along the north boundary of the said Township to an angle of the City of Sudbury;

THENCE following the boundaries between the geographic township of Broder and the City of Sudbury to the north boundary of the said township;

THENCE easterly along the north boundary of the Township of Broder to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township to the southeast angle thereof;

THENCE westerly along the southern boundary of the said Township of Broder to the point of commencement;

SECONDLY, part of the geographic township of Dill, commencing at the southwest angle of the Township of Dill;

THENCE easterly along the south boundary of the Township of Dill to the southeast angle of Lot 7 in Concession I of the said Township;

THENCE northerly along the line between lots 6 and 7 in concessions I to VI, both inclusive, to the north boundary of the said Township of Dill;

THENCE westerly along the north boundary of the Township of Dill to the northwest angle thereof;

THENCE southerly along the west boundary of the said Township of Dill to the point of commencement;

THIRDLY, part of the geographic township of Eden, commencing at a point in the east boundary of the Township of Eden where it is intersected by the south limit of Farm Location F L 54 of the said Township of Eden;

THENCE westerly along the south limit of the said Farm Location F L 54 to the southwest angle of the said Farm Location;

THENCE northerly along the west limit of the said Farm Location to the northwest angle thereof;

THENCE easterly along the north limit of the said Farm Location F L 54 to the east limit of the said Farm Location being the east boundary of the Township of Eden;

THENCE southerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the geographic township of Tilton, commencing at a point in the west boundary of the Township of Tilton where it is intersected by the south limit of Lot 12 in Concession VI of the said Township;

THENCE northerly along the west boundary of the said Township of Tilton to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Tilton to the east limit of Lot 10 in Concession VI of the said Township;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said Township of Tilton to the point of commencement;

- (f) The portions of the Township of Neelon and Garson and the geographic township of Lumsden, described as follows, are annexed to the Township of Valley East to establish a town municipality bearing the name of The Corporation of the Town of Valley East:

FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE northerly along the westerly boundary of the Township of Neelon and Garson to the northwest angle thereof;

THENCE easterly along the northerly boundary of the said Township to the point of commencement;

SECONDLY, part of the geographic township of Lumsden, commencing at the southwest angle of the geographic township of Lumsden;

THENCE north along the west boundary of the Township of Lumsden to the Vermilion River;

THENCE easterly along the Vermilion River, being along the boundary of the Township of Valley East, to the east boundary of the said Township of Lumsden;

THENCE southerly along the east boundary of the Township of Lumsden to the southeast angle of the said Township;

THENCE westerly along the south boundary of the geographic township of Lumsden to the point of commencement;

- (g) The Corporation of the Town of Lively, The Corporation of the United Townships of Drury, Denison and Graham and The Corporation of the Township of Waters, together with the geographic townships of Dieppe, Lorne and Louise, are amalgamated as a town municipality bearing the name of The Corporation of the Town of Waters, and the portions of the Township of Balfour, the Township of Dowling and the geographic townships of Fairbank, Hyman, Snider and Trill, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Balfour, commencing at the southeast angle of the Township of Balfour, being also the southeast angle of the geographic township of Creighton;

THENCE northerly along the east boundary of the Township of Balfour to the northeast corner of Lot 1 in Concession III of the geographic township of Creighton;

THENCE westerly along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township of Creighton to the west boundary of the Township of Balfour;

THENCE southerly along the west boundary of the Township of Balfour to the southwest angle thereof;

THENCE easterly along the southern boundary of the Township of Balfour, being along the southern boundary of the said geographic township of Creighton to the point of commencement;

SECONDLY, part of the Township of Dowling, commencing at the southeast angle of the said Township of Dowling, being at the southeast angle of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE northerly along the east boundary of the said Township of Fairbank to the limit between the north half and the south half of Lot 1 in Concession III of the said Township;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in the said Concession III to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the geographic township of Fairbank, being along the west boundary of the Township of Dowling to the southwest angle of the said Township of Dowling;

THENCE easterly along the south boundary of the Township of Dowling to the point of commencement;

THIRDLY, part of the geographic township of Fairbank, commencing at the southeast angle of the said Township of Fairbank;

THENCE northerly along the east boundary of the Township of Fairbank to the northeast corner of Lot 1 in Concession II of the said Township;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession II of the Township of Fairbank being along the south boundary of the Township of Dowling to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the Township of Fairbank to the southwest angle thereof;

THENCE easterly along the southern boundary of the said Township of Fairbank to the point of commencement;

FOURTHLY, part of the geographic township of Hyman, commencing at the southeast angle of the said Township of Hyman;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession II of the said Township of Hyman;

THENCE westerly along the north limit of lots 1, 2 and 3 respectively, in Concession II to the northwest corner of Lot 3 in Concession II of the said Township of Hyman;

THENCE southerly following along the west limits of Lot 3 in concessions II and I to the southern boundary of the Township of Hyman;

THENCE easterly along the south boundary of the said Township of Hyman to the point of commencement;

FIFTHLY, part of the geographic township of Snider, commencing at the southwest angle of the said Township of Snider;

THENCE easterly along the south boundary of the said Township of Snider to the west boundary of the Town of Copper Cliff;

THENCE following the boundaries between the said Township of Snider and the Town of Copper Cliff to the east boundary of the said Township of Snider;

THENCE northerly along the east boundary of the geographic township of Snider to the northeast corner of Lot 1 in Concession IV of the said Township;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said geographic township of Snider to the west boundary of the said Township;

THENCE southerly along the west boundary of the said Township of Snider to the point of commencement;

SIXTHLY, part of the geographic township of Trill, commencing at the southeast angle of the said Township of Trill;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession III of the said Township of Trill;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township to the west boundary of the Township of Trill;

THENCE southerly along the boundary between the geographic townships of Trill and Totten to the southwest angle of the Township of Trill;

THENCE easterly along the south boundary of the said Township of Trill to the point of commencement.

Amalgamations and annexations deemed by Municipal Board orders R.S.O. 1970, cc. 323, 284

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any

local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(3) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order, ^{Referendum re names of area municipalities}

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council: ^{Composition of council}

1. The City of Sudbury—Nine aldermen elected by wards.
2. The Town of Capreol—Six councillors elected by wards.
3. The Town of Dowling—Six councillors, one of whom shall be elected by general vote and five elected by wards.
4. The Town of Neelon and Garson—Six councillors, one of whom shall be elected by general vote and five elected by wards.
5. The Town of Rayside-Balfour—Eight councillors elected by general vote.

6. The Town of Valley East—Six councillors elected by general vote.

7. The Town of Waters—Six councillors elected by wards.

Election and
term of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1972, and the day for polling shall be the 2nd day of October and the first councils elected shall hold office for the years 1973 and 1974.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

1972, c. 95

(c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Application

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization
committee
in 1972

(5) The members of the council of each area municipality elected in the year 1972 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of
first elections

(6) The expenses of the local municipalities for the elections to elect members of the councils of the area muni-

palties in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(7) No area municipality shall have a board of control.

No board of control

4. In every area municipality in the year 1974 and there-
after, elections for the members of council and for any local
board, any members of which are to be elected by ballot by the
electors, shall be held in accordance with *The Municipal*
Elections Act, 1972.

Subsequent elections

1972, c.95

5. This Part comes into force on the day this Act receives
Royal Assent.

Commence-
ment of Part

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

6.—(1) On the 16th day of October, 1972, the inhabitants
of the Regional Area are hereby constituted a body corporate
under the name of "The Regional Municipality of Sudbury".

Regional
Corporation
constituted

(2) The Regional Corporation shall be deemed to be a
municipality for the purposes of *The Municipal Affairs Act*
and *The Ontario Municipal Board Act.*

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(3) The Regional Municipality of Sudbury for judicial
purposes shall form part of the Provisional Judicial District
of Sudbury.

Regional
Municipality
part of
Provisional
Judicial
District of
Sudbury

7.—(1) The powers of the Regional Corporation shall be
exercised by the Regional Council and, except where other-
wise provided, the jurisdiction of the Regional Council is
confined to the Regional Area.

Regional
Council to
exercise
corporate
powers

(2) Except where otherwise provided, the powers of the
Regional Council shall be exercised by by-law.

Powers
exercised by
by-law

(3) A by-law passed by the Regional Council in the
exercise of any of its powers and in good faith shall not
be open to question, or be quashed, set aside or declared
invalid either wholly or partly, on account of the unreason-
ableness or supposed unreasonableness of its provisions or
any of them.

Not to be
quashed as
unreasonable

8.—(1) The Regional Council shall consist of twenty-one
members composed of a chairman and,

Composition
of Regional
Council

(a) in the year 1972, the mayor-elect of each area muni-
cipality and thereafter the mayor of each area muni-
cipality;

- (b) the council of the City of Sudbury so long as the total number of aldermen does not exceed nine;
- (c) the member of council elected by general vote in the area municipality of the Town of Neelon and Garson;
- (d) one member of the council of the area municipality of the Town of Rayside-Balfour elected by the council;
- (e) one member of the council of the area municipality of the Town of Valley East elected by the council;
- (f) one member of the council of the area municipality of the Town of Waters elected by the council.

Method of
election of
Regional
Council in
1972

(2) In the year 1972, the committee established by subsection 5 of section 3 for each area municipality that is required to elect a member or members to the Regional Council, shall meet on or before the 10th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974.

Biennial
election of
Regional
Council

(3) In the year 1975 and in every second year thereafter the council of each area municipality, except the City of Sudbury, shall at its first meeting in each such year elect its members to the Regional Council.

Appointment
of chair-
man by
Lieutenant
Governor in
Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 16th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of
chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

10.—(1) The first meeting of the Regional Council in the year 1972 shall be held on or after the 16th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section.

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When
Regional
Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Eleven members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman
vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Place of
meeting

12. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Vacancies,
chairman

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of

the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the Regional Council a resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils. ^{Resignation}

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. ^{Where head of council incapacitated}

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine. ^{Remuneration}

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. ^{Idem}

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. ^{Committees}

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the chairman of the Regional Council. ^{Remuneration of committee chairman}

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. ^{Procedural by-laws}

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. ^{Head of Council}

(2) Subject to section 139, the Regional Council may by by-law appoint a chief administrative officer, who, ^{Chief administrative officer}

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of R.S.O. 1970,
c. 284, s. 238

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appointment
of clerk

20.—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

(3) When the office of clerk is vacant or the clerk is unable ^{Acting clerk} to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers ^{Acting clerk, first meeting} and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter and until the Regional Council appoints a clerk under this section.

21.—(1) Any person may, at all reasonable hours, inspect ^{Minutes open to inspection} any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional ^{Index of by-laws affecting land} Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be ^{Copies certified by clerk to be receivable in evidence} certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

22.—(1) The Regional Council shall appoint a treasurer who ^{Appointment of treasurer} shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy treasurer ^{Deputy treasurer} who shall have all the powers and duties of the treasurer.

(3) When the office of treasurer is vacant or the treasurer ^{Acting treasurer} is unable to carry on his duties, through illness or otherwise,

the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and
disbursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of
cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member
may be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed.

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. ^{Monthly statement}

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. ^{Notice to sureties}

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. ^{Appointment of auditors}

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. ^{Dis-qualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by ^{Duties of auditors}

the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Application
of R.S.O. 1970,
c. 284

27.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave
credits

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall during the first year of his employment by the Regional

Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed in any undertaking of any local municipality or local board thereof that is assumed by the Regional Corporation under this Act. Offer of employment

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than that which he was receiving on the 1st day of April, 1972. Entitlement to salary

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1970, c. 324

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972. Offer of employment

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. Sick leave credits

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. Holidays

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. Termination of employment

Commence-
ment of
Part

28. This Part comes into force on the day this Act receives Royal Assent.

PART III

REGIONAL WATERWORKS SYSTEM

Supply and
distribution
of water by
Regional
Corporation

29.—(1) On and after the 1st day of January, 1973, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipi-
palities, no
power to
supply and
distribute
water

(2) On and after the 1st day of January, 1973, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Vesting of
property in
Regional
Corporation

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Agreements

(4) Where any of the works specified in subsection 3 are owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreements with the corporation for the use of such works in the regional waterworks system.

Payments of
principal and
interest to
area municipi-
palities

(5) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Interest to
be charged by
area
municipality

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as

the council of the area municipality determines, from such date until payment is made.

30. This Part comes into force on the day this Act receives Commence-
ment of Part
Royal Assent.

PART IV

REGIONAL SEWAGE WORKS

31.—(1) On and after the 1st day of January, 1973, the Collection
and disposal
of sewage by
Regional
Corporation
Regional Corporation shall have the sole responsibility for the collection and disposal of sewage in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

(2) On and after the 1st day of January, 1973, no area Area muni-
cipalities, no
power to
collect and
dispose of
sewage
municipality shall have or exercise any powers under any Act for the collection and disposal of sewage.

(3) All sewage works, sewer systems and treatment works, Vesting of
property in
Regional
Corporation
including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) Where any of the works, specified in subsection 3, are Agreements
owned by a corporation other than a municipal corporation, the Regional Council may, as it considers necessary, enter into any agreement with the corporation for the use of such works in the regional sewage system.

(5) The Regional Corporation shall pay to the corporation Payment of
principal and
interest to
area muni-
cipalities
of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and

R.S.O. 1970,
c. 255

interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

Interest to be
charged by
area
municipality

(6) If the Regional Corporation fails to make any payment on or before the due date required by subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Imposition
of sewage
rate

(7) The Regional Council may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage and land drainage is received, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Commence-
ment of Part

32. This Part comes into force on the day this Act receives Royal Assent.

PART V

PLANNING

Planning
area

33.—(1) On and after the 1st day of January, 1973, the Regional Area shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Sudbury Planning Area.

R.S.O. 1970,
c. 349

Regional
Council
to be
planning
board

(2) The Regional Council shall be the planning board of the Sudbury Planning Area.

Planning
areas
and sub-
sidiary
planning
areas
dissolved

(3) No area municipality shall be deemed to be a municipality for the purposes of *The Planning Act* and all planning areas and subsidiary planning areas that are included in the Sudbury Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

Official
plan

(4) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Advisory
committees

(5) The Regional Council may appoint such advisory planning committees as it considers necessary.

(6) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers R.S.O. 1970, c. 349

(7) All committees of adjustment heretofore constituted by the council of a local municipality in the Sudbury Planning Area are hereby dissolved on the 31st day of December, 1972, and the Regional Council shall forthwith after the 1st day of January, 1973, pass a by-law appointing a committee of adjustment under section 41 of *The Planning Act*. Committees of adjustment

PART VI

HEALTH AND WELFARE SERVICES

34.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. Proviso

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8 for the year 1972 and shall be paid to the Regional Corporation. Hospitalization grant 1973 under R.S.O. 1970, c. 293

35.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers. Aid to hospitals

Payments of principal and interest to area municipalities

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Regional Area part of Sudbury and District Health Unit
R.S.O. 1970, c. 377

36. On and after the 1st day of January, 1973, the Regional Area shall continue to be part of the health unit established under *The Public Health Act* known as the Sudbury and District Health Unit.

Representation on board of health

37. The representation of the Regional Area on the board of health of the Sudbury and District Health Unit shall comprise seven members, who are also members of the Regional Council, appointed by the Regional Council.

Regional Corporation deemed municipality under
R.S.O. 1970, c. 132

38.—(1) The Regional Corporation shall be deemed to be a municipality for the purposes of *The District Welfare Administration Boards Act* and as such shall be a member municipality of the District of Sudbury Welfare Administration Board.

Regional Corporation deemed town under
R.S.O. 1970, cc. 21, 270, 422, 491, 104, 192, 203

(2) No area municipality shall be deemed to be a municipality for the purposes of the following Acts and the Regional Corporation shall be deemed to be a town for such Acts:

1. *The Anatomy Act*;
2. *The Mental Hospitals Act*;
3. *The Sanatoria for Consumptives Act*;
4. *The War Veterans Burial Act*;
5. *The Day Nurseries Act*;
6. *The General Welfare Assistance Act*;
7. *The Homemakers and Nurses Services Act*.

Membership on District Welfare Administration Board
R.S.O. 1970, c. 132

(3) Notwithstanding subsection 4 of section 3 of *The District Welfare Administration Boards Act*, a minimum of two-thirds

of the membership of the District Welfare Administration Board shall be members of the Regional Council, appointed by the Regional Council.

39.—(1) The Regional Corporation shall be deemed to be a town for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under that Act.

Liability
respecting
homes for
the aged
R.S.O. 1970,
c. 206

(2) The home for the aged known as Pioneer Manor in the District of Sudbury and all real and personal property used for the purposes of such home vest in the Regional Corporation on the 1st day of January, 1973, without compensation, except as provided in subsection 4.

Sudbury
home for
aged vested
in Regional
Corporation

(3) The Regional Corporation shall pay to any municipality, before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Responsi-
bility of
Regional
Corporation

(4) The Regional Corporation may enter into such agreements as it deems advisable with any municipality outside the Regional Area in respect of contributions made by such municipality to the construction and operation of Pioneer Manor and also in respect of the admission and maintenance of residents of such municipality.

Agreements

(5) If the Regional Corporation or any municipality cannot reach agreement in respect of the matters provided for in subsection 4, either party may submit the dispute to the Municipal Board whose decision shall be final.

Settling
disputes

40. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act* and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional
Corporation
deemed city
under
R.S.O. 1970,
c. 64

41. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act*, 1965, and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred
1965, c. 14

42. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area

Liability
under order
made under
R.S.C. 1970,
c. J-3

municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sum of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Adjustments **43.**—(1) In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Information (2) Every area municipality and every officer or employee thereof, shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Grants to approved corporations under R.S.O. 1970, c. 204 **44.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VII

POLICE

Interpretation **45.** In this Part, “Sudbury Police Board” means the Sudbury Regional Board of Commissioners of Police.

Sudbury Regional Board established R.S.O. 1970, c. 351 **46.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1972, a board of commissioners of police shall be constituted to be known as the Sudbury Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the district court of the Provisional Judicial District of Sudbury designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum (2) Three members of the Sudbury Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remuneration (3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum

prescribed by the regulations under *The Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

47.—(1) On and after the 1st day of January, 1973,

Regional
Corporation
deemed city
under
R.S.O. 1970,
c. 351

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) The Sudbury Police Board and the members of the Sudbury Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws^{Fines} of any area municipality, shall, where prosecuted by the Sudbury Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

48.—(1) Every person who is a member of a police force of^{Area police force} or for a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Sudbury Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a^{Sudbury Regional Police Force} local municipality on the 31st day of December, 1972 and becomes a member of the Sudbury Regional Police Force on the 1st day of January, 1973, is subject to the government of the Sudbury Police Board to the same extent as if appointed by the Sudbury Police Board.

(3) After the 1st day of November, 1972, the members of^{Joint bargaining committee} the police forces of all local municipalities shall appoint a joint bargaining committee to represent all police forces in

R.S.O. 1970,
c. 351 the local municipalities to bargain with the Sudbury Police Board in the manner and for the purposes provided in *The Police Act*, and the Sudbury Police Board shall be the sole negotiating body to bargain with such committee.

Time of
meeting

(4) The first meeting of the bargaining committee and the Sudbury Police Board shall be held not later than the 30th day of November, 1972.

Terms of
employment

(5) Every person who becomes a member of the Sudbury Regional Police Force under subsection 1 shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Sudbury Police Board and such member shall have such uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Sudbury Regional Police Force the number of years of service that he had in the police force of or for the local municipality of which he was a member on the 31st day of December, 1972;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Sudbury Police Board as he had in the plan of the local municipality; and
- (e) not be assigned without his consent to serve on a permanent basis at a detachment in the Regional Area more than twenty miles distant from his former detachment headquarters, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of April, 1972;

Application
of R.S.O. 1970,
c. 284, s. 239

(6) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Sudbury Police Board.

Assumption
of buildings

49.—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Sudbury Police Board any such land or building that the Sudbury Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent

of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area, municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement, the Municipal

Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Sudbury Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Sudbury Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the Sudbury Police Board, each area municipality, for the use of the Sudbury Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery, in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and

interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

50. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Sudbury Police Board. ^{Property to be provided}

51. This Part comes into force on the day this Act receives Royal Assent. ^{Commencement of Part}

PART VIII

REGIONAL ROAD SYSTEM

52. In this Part,

Interpre-
tation

(a) “approved” means approved by the Minister or of a type approved by the Minister;

(b) “construction” includes reconstruction;

(c) “maintenance” includes repair;

(d) “Minister” means the Minister of Transportation and Communications;

(e) “Ministry” means the Ministry of Transportation and Communications;

(f) “road authority” means a body having jurisdiction and control of a highway.

By-law
establishing
regional
road system
by July 31,
1973

53.—(1) The Regional Council shall pass a by-law establishing a regional road system and designating the roads to be included therein as regional roads, and such by-law shall be submitted to the Minister not later than the 31st day of July, 1973.

By-law
effective
Jan. 1, 1974

(2) Notwithstanding subsection 12, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1974.

Establish-
ment of
regional road
system by
Lieutenant
Governor

(3) In the event that the Regional Council does not pass a by-law as required by subsection 1 before the 1st day of August, 1973, the Lieutenant Governor in Council may establish the regional road system by designating the roads to form part thereof and the regional road system shall be deemed to have been established on and after the 1st day of January, 1974, or on and after such later date as the Lieutenant Governor in Council may determine.

Adding or
removing
roads by
by-law

(4) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(5) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

R.S.O. 1970,
c. 201

Vesting of
roads in
Regional
Corporation

(6) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of
roads from
regional road
system

(7) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed from
regional road
system

(8) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 63, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

(9) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of
land acquired
for widening
regional road

(10) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Idem

(11) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Consolidating
by-laws

(12) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

Approval of
by-laws

(13) *The Regulations Act* does not apply to an order in council made under this section.

Application
of R.S.O. 1970,
c. 410

54. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of
construction
and main-
tenance

55. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Furnishing of
information
to Minister

56. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution
toward
expenditures
R.S.O. 1970,
c. 201

57. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Maintenance
and repair

Powers over
roads
assumed

58. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the regional road system.

Sidewalks
excepted

59.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

Area municip-
alities may
construct
sidewalks,
etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council, expressed by resolution.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Area municip-
alities to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970,
c. 201, s. 97,
subs. 4, not to
apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

60.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation
of traffic
control
devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation of
intersecting
roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law, vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Construction
of sidewalk,
etc. on area
municipality
road

R.S.O. 1970,
c. 255

61. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

Intersection
of other
roads by
regional
roads

62. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 53 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

New roads

R.S.O. 1970,
c. 284

63. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and
liabilities of
Regional
Corporation

R.S.O. 1970,
cc. 284, 202

64.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of
gasoline
pumps and
advertising
device near
regional road

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of area municipalities regulating traffic

65.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution toward cost of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 ft. of regional roads

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreement for pedestrian walks

66. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

67.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of order

68. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary bridges between area municipalities

69. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary bridges between Regional Area and adjoining municipality

Controlled-
access
roads

70.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

Practice and
procedure
on appeal

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

R.S.O. 1970,
c. 323, s. 95
not to apply

71.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Private
roads, etc.,
opening
upon
controlled-
access roads

(2) The Regional Corporation may give notice of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Service of
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Failure to
comply with
notice

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Offence

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road designated under subsection 1 of section 70 was constructed or used, as the case may be,

Compensa-
tion

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

Regional liability where road forms part of system

72.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Default

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum or such lower rate as the council of the area municipality determines from such date until payment is made.

Settling of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up highways

73.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of regional roads engineer
R.S.O. 1970, c. 366

74. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system.

Application of R.S.O. 1970, c. 202

75. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

Commencement of Part

76. This Part comes into force on the day this Act receives Royal Assent.

PART IX

REGIONAL WASTE DISPOSAL

77.—(1) In this Part, “waste” includes ashes, garbage, refuse, industrial waste or municipal refuse. Interpretation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

PART X

FINANCES

78.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1970, c. 32

Area municipality deemed municipality under R.S.O. 1970, c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act.

Regional Corporation deemed regional municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment of money not immediately required R.S.O. 1970, c. 284

79. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVY

Yearly estimates

80.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Application of R.S.O. 1970, cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Levy on area municipalities

81.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized assessment

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality. Copy to Regional Corporation and area municipality

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue. Appeal

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting. Idem

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Assessment
to include
valuations on
properties for
which pay-
ments in lieu
of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes that include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*.

R.S.O. 1970,
c. 284,
1971, c. 78

Valuation of
properties

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize

and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations.

(13) One by-law or several by-laws for making the levies ^{Levy by-laws} may be passed as the Regional Council may consider expedient.

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Regional Assessment Act*, in each area municipality the regional levy ^{Regional levy R.S.O. 1970, c. 32} shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(15) All moneys levied against an area municipality under ^{Payment} the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

(16) If an area municipality fails to make any payment as ^{Default} provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

(17) Notwithstanding any other provisions in this section, ^{Adjustments of 1973} the Regional Council shall adjust its 1973 levy against area ^{regional levy} municipalities to make allowance for payments out of revenue which were made by local municipalities for the construction, erection and equipping of public hospitals in the four years prior to the 1st day of January, 1973.

82.—(1) The Ministry of Revenue shall revise, equalize ^{Equalization of assessment of merged areas} and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the ^{Notice} revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in ^{Apportionment among merged areas R.S.O. 1970, cc. 405, 284, 32} accordance with section 307 of *The Municipal Act* for all

purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Adjustment
of 1973
tax rate

(5) An area municipality which in 1973 receives the benefit of an allowance under subsection 17 of section 81, shall adjust its tax rate in 1973 in such a manner that the benefit of the allowance accrues to the merged area that supported the payment out of revenue referred to in the said subsection.

When
provisions
cease to
apply

(6) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 81.

Levy by
Regional
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81, and subsections 15 and 16 of section 81 apply to such a levy.

Idem

(2) Notwithstanding section 81, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 81 apply to such a levy.

Levy under
section 81 to
be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 81.

Levy by
area muni-
cipality before
estimates
adopted

(4) Notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, the council of an area municipality may in any year by by-law passed before

the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 82, until the date determined by the Minister under subsection 5 of section 81, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Business
assessment

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 82.

Levy under
section 82 to
be reduced

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of R.S.O. 1970,
c. 284, s. 303,
subs. 4

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 81.

R.S.O. 1970,
c. 284, s. 303
not to apply

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 82.

Regulations
under
R.S.O. 1970,
c. 425 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 81.

Transitional
adjustments

85. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any

specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances
to be made
in estimates
of area
municipi-
palities in
1973
R.S.O. 1970,
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972.

Merged
areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

ADJUSTMENTS

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Interpre-
tation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Surplus or
deficit at
Dec. 31, 1972
to be applied
to supporting
assessment

88.—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Balfour, the Township of Dowling and the Township of Neelon and Garson.

Arbitration

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular

Idem

assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records
of divided
municipi-
palities

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Period of
adjustment

(8) Notwithstanding the provisions of section 87 and this section, the Minister may by order prescribe the period over which any adjustments made thereunder are to be made.

RESERVE FUNDS

Reserve funds
of municipi-
palities

89.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the

Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, ^{Idem} other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

(3) Notwithstanding subsection 1, reserve funds established ^{Idem} by local municipalities for the purpose of providing aid for the construction, erection and equipping of public hospitals, shall be deemed to be part of surplus, and disposed of in accordance with section 87.

90.—(1) The Regional Council may in each year, if ^{Reserve funds, establishment} authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under ^{Investments and income} *The Trustee Act*, and the earnings derived from the investment ^{R.S.O. 1970, c. 470} of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any ^{Expenditure of reserve fund moneys} purpose other than that for which the fund was established without the approval of the Ministry.

(4) The auditor in his annual report shall report on the ^{Auditor to report on} activities and position of each reserve fund established under ^{reserve funds} subsection 1.

TEMPORARY LOANS

91.—(1) The Regional Council may by by-law, either before ^{Current borrowings} or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by

law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Protection of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for excess borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties R.S.O. 1970, c. 118

DEBT

92.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt R.S.O. 1970, c. 323

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Limitation

Uncompleted
works

(4) When an area municipality, prior to the 31st day of December, 1972,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

93.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 92 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing
pending issue
and sale of
debentures

94.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional

Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing ^{Idem} of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The Regional Corporation may charge interest on any ^{Interest on proceeds transferred} proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were ^{Application of proceeds of loan} authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture ^{Hypothecation not to prevent subsequent sale of debentures} hypothecated does not prevent the subsequent sale thereof.

95.—(1) Subject to subsection 2, a money by-law for the ^{Principal and interest payments} issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment
debentures
and
debentures to
refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality,

provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied. ^{Levy}

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. ^{Levies a debt}

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. ^{By-law to change mode of issuing debentures}

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, ^{Debentures, when to be dated and issued}

and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating
debenture
by-laws
R.S.O. 1970,
c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised yearly an amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. Security
R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of
sinking fund
assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under *The Trustee Act*; R.S.O. 1970,
c. 470

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of
securities
with
Treasurer
of Ontario

Release of
securities by
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking
fund account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking
fund account
more than
sufficient to
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the

estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the ^{Deficit and surplus}

Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

When rate of
interest
may be
varied

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest ;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies ;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto ;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures ; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 94 shall not constitute a sale or other disposal thereof.

Consolidation
of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of
by-law
when part
only of
money to be
raised

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

When to
take effect

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt
paid certain
by-laws
cannot be
repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application
of payments

99. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for
neglect of
officer to
carry out
by-law

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Money
by-laws may
be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 93, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

101.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture

or on the date the debenture bears or at the time the debenture was issued and delivered.

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Mechanical
reproduction
of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Effect of
mechanical
reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency
of signatures

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures
on which
payment has
been made
for one year
to be valid

103.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of
transfer
may be
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements
as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replacement
of lost
debentures

104. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

105.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange. New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. Debentures surrendered for exchange to be cancelled

106.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes. Application of proceeds of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality. Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied, Surplus

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the Deficiency

debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of
proceeds of
sale of asset
acquired
from proceeds
of sale of
debentures

107. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders
for
debentures

108. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

109.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Application
of surplus
money

111.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of
members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Action by
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Dis-
qualification

112. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

Refinancing
of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

113. In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

Commence-
ment of Part

114.—(1) This Part, except sections 88 and 113, comes into force on the 1st day of January, 1973.

Idem

(2) Sections 88 and 113 come into force on the day this Act receives Royal Assent.

PART XI

GENERAL

Application
of R.S.O. 1970,
c. 284

115.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city
under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,
annexations
and amalga-
mations

(3) Sections 10 and 11 and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses, etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 59, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
municipality
for
R.S.O. 1970,
c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

Deemed
municipality
for
R.S.O. 1970,
c. 250, s. 87

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality.

By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

116.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any sub-committee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area

municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

Expenditures
for diffusing
information

117. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to
persons
engaged in
work
advantageous
to Regional
Area

118. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of
damages
to employees
R.S.O. 1970,
c. 505

119. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Sudbury Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages

from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

120.—(1) Where the Regional Council passes a resolution requesting a judge of the district court within the Regional Area or a judge of the district court of a district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation
by district
judge of
charges of
malfeasance

1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable
to judge
R.S.O. 1970,
c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging
counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

121.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

Commission
of inquiry

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than

When
commission
may issue

one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways, etc.

122. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

123. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application
of R.S.O. 1970,
c. 23

124.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipi-
palities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

Execution
against
Regional
Corporation

125.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Sudbury" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect Function of clerk, collectors and assessors

or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Conditional
powers

126. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with
other Acts

127. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal
buildings

128.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of
R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Twsp. Balfour
deemed urban
municipality
under
R.S.O. 1970,
c. 291

129.—(1) For the purposes of *The Municipal Subsidies Adjustment Act*, the Township of Balfour shall be deemed to be an urban municipality and the Township of Rayside annexed thereto.

Town of
Valley East
deemed
township
under
R.S.O. 1970,
c. 201

(2) For the purposes of section 74 of *The Public Transportation and Highway Improvement Act*, the Town of Valley East shall be deemed to be a township until the 31st day of December, 1978.

Regional
Fire
Co-ordinator

130. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

131.—(1) Notwithstanding the other provisions of this Act, but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town or township municipality shall be considered to continue to form part of a town or township municipality.

Existing
speed limits
continued
R.S.O. 1970,
c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of
Regional
Council
and area
councils
R.S.O. 1970,
c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Existing
speed limits
continued

132.—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Application
of R.S.O. 1970,
c. 354, s. 108

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Distribution
of electrical
power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commission
continue in
office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973.

Commissions
dissolved

Members of
commission
not
disqualified
as members
of Council
R.S.O. 1970,
c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Recreation
and parks
management
board
R.S.O. 1970,
cc. 120, 73

133.—(1) The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Public library
boards
R.S.O. 1970,
c. 381

(2) Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Election,
R.S.O. 1970,
cc. 362, 368
1972, c. 95

134. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Sudbury Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Sudbury District Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, 1972, in the year 1972,

- (a) the polling day for the members of The Sudbury Board of Education and of The Sudbury District Roman Catholic Separate School Board shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;
- (b) the Minister shall, by order, provide for nomination of candidates for The Sudbury Board of Education and for The Sudbury District Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

135.—(1) Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972. s. 244 of R.S.O. 1970, c. 284, not to apply

(2) With the exception of the City of Sudbury, the area municipalities shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act*. Area municipalities deemed townships

136.—(1) Every statute labour board that has jurisdiction in the Regional Area is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such board had jurisdiction. Statute labour boards dissolved

(2) Where an established local roads area is entirely within the Regional Area such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such local roads area was established. Local roads boards dissolved

(3) Where part of an established local roads area is within the Regional Area such part is removed from the local roads area on the 1st day of January, 1973. Removal of part of local roads area

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the Regional Area which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality. Taxes and penalties

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads area was established. Credits of local roads boards
R.S.O. 1970, c. 256

(6) Where a local roads area established under *The Local Roads Board Act* is annexed to or amalgamated with an urban municipality within the Regional Area, the local roads area shall be deemed to be a rural municipality, or part thereof, for the purposes of *The Municipal Subsidies Adjustment Act*. Local roads areas deemed rural municipalities under
R.S.O. 1970, c. 291

Power of
Sudbury
council to
pass by-laws
R.S.O. 1970,
c. 284

137. The council of The Corporation of the City of Sudbury may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Agreements
re collection
of tax
arrears under
R.S.O. 1970,
c. 370

138. An area municipality may enter into an agreement with the Land Tax Collector appointed under *The Provincial Land Tax Act* respecting the collection by the area municipality of arrears of land tax imposed under that Act in respect of property within such area municipality.

Appointment
of chief
administrative
officer
by
Lieutenant
Governor in
Council

139. Notwithstanding subsection 2 of section 17, the Lieutenant Governor in Council shall, before the 16th day of October, 1972, appoint a chief administrative officer to hold office during the years 1972 to 1976 inclusive and until his successor is appointed by the Regional Council in accordance with subsection 2 of section 17, and the chief administrative officer appointed under this section shall have such powers and perform such duties as may be assigned to him by by-law of the Regional Council approved by the chairman, together with such additional powers and duties as may be conferred or imposed on him by the chairman, and shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Expenses of
Regional
Corporation
during 1972

140. The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Power of
Minister to
fix new
date for
first
elections

141. In the event that a General Election is called for the election of members to the Parliament of Canada on the 2nd day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 2 of section 3 and make all other necessary amendments for the incorporation of The Regional Municipality of Sudbury and the matters consequent upon the holding of the election, including the date for the election of school boards in the Regional Area.

Commence-
ment of Part

142.—(1) This Part and Parts V, VI and IX come into force on the day this Act receives Royal Assent.

Idem, s. 1

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

143. This Act may be cited as *The Regional Municipality of Sudbury Act, 1972*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Sudbury or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

CHAPTER 105

**An Act to establish
The Regional Municipality of Waterloo**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Galt, the City of Kitchener, the City of Waterloo, the Township of North Dumfries, the Township of Wilmot, the Township of Wellesley and the Township of Woolwich, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (j) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (k) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1973, means the area included within the County of Waterloo together with that portion of the Township of Beverly included in the area municipality of the Township of North Dumfries as defined in clause c of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1973, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Waterloo;

- (p) "Regional Council" means the council of the Regional Corporation;
- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,

Constitution
of area
municipalities

- (a) The Corporation of the City of Galt, The Corporation of the Town of Hespeler and The Corporation of the Town of Preston are amalgamated as a city municipality bearing the name of The Corporation of the City of Galt and the portions of the Township of North Dumfries and the Township of Waterloo described as follows are annexed to such city:

FIRSTLY, part of the Township of North Dumfries, commencing at a point in the northerly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 where it is intersected by the southerly boundary of the City of Galt;

THENCE easterly along the northerly limit of the said Highway Number 8 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned Highway Number 8 to the eastern boundary of the Township of North Dumfries;

THENCE northerly along the eastern boundary of the said Township of North Dumfries to the northeast angle thereof, the said angle being an angle in the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the northerly limit of the King's Highway Number 97, being also known as Cedar Street;

THENCE northerly and westerly following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE easterly and northerly along the last mentioned boundary to the point of commencement;

THIRDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914, the said point being the easterly limit of Lot 17 in Concession XII of the Township of North Dumfries;

THENCE southerly along the easterly limit of Highway Number 8, as defined, to the boundary between the Township of North Dumfries and the City of Galt, the said boundary being the south limit of the Blenheim Road;

THENCE easterly and northerly following the boundaries of the City of Galt to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general southwesterly direction along the middle of the main channel of the Grand River to the northeasterly limit of the right of way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last-mentioned railway right of way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as described in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan, and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE easterly along the southerly limit of the said Highway Number 401, being along the northerly boundaries of the Town of Preston and the City of Galt to the easterly boundary of the Township of Waterloo;

THENCE northerly along the easterly boundary of the Township of Waterloo to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Hespeler;

- (b) The Corporation of the City of Kitchener and The Corporation of the Village of Bridgeport are amalgamated as a city municipality bearing the name of The Corporation of the City of Kitchener, and the portion of the City of Waterloo and the portions of the Township of Waterloo, described as follows, are annexed to such city;

FIRSTLY, part of the City of Waterloo, commencing at a point in the boundary between the City of Waterloo and the Village of Bridgeport where the said point is intersected by the easterly limit of the King's Highway Number 85;

THENCE northerly along the easterly limit of the said Highway to the intersection of the westerly prolongation of the northerly boundary of the Village of Bridgeport;

THENCE easterly along the said prolongation to the northwesterly angle of the said Village of Bridgeport;

THENCE southerly, westerly and southerly along the boundaries between the City of Waterloo and the Village of Bridgeport to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at an angle in the boundary of the City of Kitchener, the said angle being at the intersection of the northerly limit of the King's Highway Number 401 and the middle of the main channel of the Grand River;

THENCE northwesterly and northeasterly along the middle of the main channel of the said Grand River, being along the boundary between the Township of Waterloo and the City of Kitchener, to the north-easterly limit of the right of way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last mentioned railway right of way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan,

and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE southwesterly along the southeasterly limit of the said Highway Number 401, being along the boundary between the Township of Waterloo and the Town of Preston, to the south boundary of the said Township of Waterloo;

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

THENCE northerly along the westerly boundaries of the Township of Waterloo to the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots to the westerly boundary of the City of Kitchener;

THENCE southeasterly along the boundaries between the Township of Waterloo and the City of Kitchener to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at a point in the boundary of the City of Kitchener, the said point being intersected by the middle of the main channel of the Grand River and the northeasterly limit of the right of way of the Grand River Railway;

THENCE in a general northerly direction along the middle of the main channel of the said Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the boundary of the City of Kitchener;

THENCE southerly along the easterly boundaries of the said City to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the north boundary of the Village of Bridgeport where it is intersected by the east limit of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 29;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly, northeasterly, northerly, north-westerly and westerly following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE southerly along the last mentioned lands to the northerly limit of a 25 foot right of way described in Registered Instrument Number 129175;

THENCE westerly and southwesterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly along the east and southeast limit of the said Township Road to the north boundary of the Village of Bridgeport;

THENCE following the boundaries between the Township of Waterloo and the Village of Bridgeport to the point of commencement;

- (c) The portions of the townships of Beverly and North Dumfries, described as follows, are annexed to The Corporation of the Village of Ayr to establish a township municipality bearing the name of The Corporation of the Township of North Dumfries:

FIRSTLY, part of the Township of Beverly, commencing at a point in the west boundary of the Township of Beverly at the intersection of the prolongation of the line between the north and south halves of Lot G of the said Township;

THENCE easterly to and along the line between the north and south halves of the said Lot G and along the line between the north and south halves of lots 1 to 11, both inclusive, in Concession VII of the said Township of Beverly to the line between lots 11 and 12 in the said Concession VII;

THENCE northerly along the line between lots 11 and 12 in concessions VII, VIII, IX, X and its extension northerly, to the northerly boundary of the said Township of Beverly;

THENCE westerly along the northerly boundary of the Township of Beverly to the northwest angle thereof;

THENCE south along the west boundary of the said Township of Beverly to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at the northwest angle of the Township of North Dumfries;

THENCE easterly along the north boundary of the Township of North Dumfries to the southwest angle of the Town of Preston;

THENCE continuing easterly along the boundaries between the Township of North Dumfries and the Town of Preston to an angle in the City of Galt;

THENCE southerly, westerly and southerly along the boundaries between the Township of North Dumfries and the City of Galt to the intersection of the easterly

limit of Lot 17 in Concession XII of the Township of North Dumfries with the east limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of the said King's Highway Number 8;

THENCE southerly along the said limit of the said Highway to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the northerly limit of the said King's Highway Number 8;

THENCE easterly along the north limit of the said Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned King's Highway Number 8 to the easterly boundary of the Township of North Dumfries;

THENCE southerly along the easterly boundary of the Township of North Dumfries to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of North Dumfries to the southwest angle thereof;

THENCE northerly along the west boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Village of Ayr;

- (d) The portion of the City of Waterloo and the portions of the Township of Waterloo described as follows are established as a city municipality bearing the name of The Corporation of the City of Waterloo:

FIRSTLY, part of the City of Waterloo, commencing at the southeast angle of the City of Waterloo at the

intersection of the northerly boundary of the Village of Bridgeport ;

THENCE westerly along the northerly boundary of the Village of Bridgeport and its prolongation westerly to the easterly limit of the King's Highway Number 85 ;

THENCE southerly following the easterly limit of the said Highway to the westerly boundary of the Village of Bridgeport ;

THENCE following the boundaries of the said Village, the said boundaries being the boundaries between the City of Waterloo and the Village of Bridgeport to the southern boundary of the said City ;

THENCE westerly following the boundaries between the cities of Waterloo and Kitchener to the west boundary of the City of Waterloo ;

THENCE northerly, easterly and southerly following the various boundaries of the City of Waterloo to the point of commencement ;

SECONDLY, part of the Township of Waterloo, commencing at a point on the westerly boundary of the Township of Waterloo at the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo ;

THENCE easterly along the line between the said lots 39 and 40 to the west boundary of the City of Kitchener ;

THENCE northerly and easterly along the boundaries between the Township of Waterloo and the City of Kitchener to the west boundary of the City of Waterloo ;

THENCE northerly following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township ;

THENCE westerly along the northern boundary of the said Township of Waterloo to the northwest angle thereof ;

THENCE southerly along the westerly boundary of the said Township of Waterloo to the point of commencement ;

THIRDLY, part of the Township of Waterloo, commencing at the intersection of the northern boundary of the Township of Waterloo and the middle of the main channel of the Grand River;

THENCE in an easterly direction following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE northerly along the last mentioned lands to the northerly limit of the 25 foot right of way described in Registered Instrument Number 129175;

THENCE easterly and northeasterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly following the easterly limit of the said Road to the northern boundary of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the easterly boundary of the City of Waterloo;

THENCE following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE easterly along the northern boundary of the said Township of Waterloo to the point of commencement;

- (e) The Corporation of the Village of Wellesley and The Corporation of the Township of Wellesley are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wellesley;
- (f) The Corporation of the Town of New Hamburg and The Corporation of the Township of Wilmot are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wilmot;
- (g) The Corporation of the Town of Elmira and The Corporation of the Township of Woolwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wool-

wich and the portion of the Township of Waterloo, described as follows, is annexed to such township;

COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general northwesterly direction along the middle of the main channel of the Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the south-easterly angle of the Village of Bridgeport;

THENCE northwesterly and westerly following the boundaries between the Village of Bridgeport and the Township of Waterloo to the southeast angle of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 17;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S.

and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to the northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly following the middle of the main channel of the Grand River to the northerly boundary of the Township of Waterloo;

THENCE easterly along the north boundary of the said Township of Waterloo to the northeast angle thereof;

THENCE southerly along the easterly boundaries of the Township of Waterloo to the point of commencement;

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1973:

1. The Police Village of Baden.
2. The Police Village of Conestoga.
3. The Police Village of Linwood.
4. The Police Village of St. Clements.
5. The Police Village of St. Jacobs.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
Municipal
Board
orders
R.S.O. 1970,
cc. 323,
284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The*

Municipal Act and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Galt—Except as may be provided under subsection 3, fourteen members elected by wards.
2. The City of Kitchener—Except as may be provided under subsection 3, ten members elected by a general vote of the electors of the area municipality.
3. The City of Waterloo—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
4. The Township of North Dumfries—Except as may be provided under subsection 3, six members elected by wards.
5. The Township of Wilmot—Except as may be provided under subsection 3, nine members elected by wards and one member elected by a general vote of the electors of the municipality.

6. The Township of Wellesley—Except as may be provided under subsection 3, eight members elected by wards.

7. The Township of Woolwich—Except as may be provided under subsection 3, nine members elected by wards.

Election and
term of
office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1972, and the day for polling shall be the 16th day of October and the first councils elected shall hold office for the years 1973 and 1974.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

1972, c. 95

(c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Application
1972, c. 95

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization
committee
in 1972

(5) The members of the council of each area municipality elected in the year 1972 shall comprise a committee in their respective area municipalities to do anything in that year

necessary for the purposes of organization, policy and planning of the area municipality.

(6) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses of first elections

(7) No area municipality shall have a Board of Control. No board of control

(8) In the event that a General Election is called for the election of members to the Parliament of Canada on the 16th day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 2 and make all other necessary amendments for the incorporation of The Regional Municipality of Waterloo, the matters consequent upon the holding of the election including the date for the election of school boards in the Regional Area. Power of Minister to change election date

4. In every area municipality in the year 1974 and thereafter, elections for the members of council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in accordance with *The Municipal Elections Act, 1972*. Subsequent elections 1972, c. 95

5. This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

6.—(1) On the 25th day of October, 1972, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Waterloo". Regional Corporation constituted

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1970, cc. 118, 323

(3) On and after the 1st day of January, 1973, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Waterloo, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer. Regional Area deemed judicial district R.S.O. 1970, c. 230

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Waterloo
deemed
appointments
for Judicial
District of
Waterloo

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1972, in and for the County of Waterloo shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1973, in and for the Judicial District of Waterloo.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-five members composed of a chairman and,

- (a) in the year 1972, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;
- (b) four members of the council of the area municipality of the City of Galt elected by the members of the said council;
- (c) eight members of the council of the area municipality of the City of Kitchener who at the election for members of council next preceding the organization of the Regional Council in any year received the highest number of votes;
- (d) two members of the council of the area municipality of the City of Waterloo elected by the members of the said council;
- (e) two members of the council of the area municipality of the Township of Woolwich elected by the members of the said council;
- (f) one member elected by general vote of the electors of the area municipality of the Township of Wilmot.

(2) In the year 1972, the committee established by sub-section 5 of section 3 for each area municipality which is required to elect a member or members to the Regional Council, shall meet on or before the 19th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974. Method of election of Regional Council in 1972

(3) In the year 1975 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the Regional Council. Biennial election of Regional Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 25th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

10.—(1) The first meeting of the Regional Council shall be held on or after the 25th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member First meeting 1972

of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1973 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and
declaration of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. ^{Place of meeting}

12.—(1) Thirteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. ^{Quorum, voting}

(2) Subject to subsection 3, each member of the Regional Council has one vote only. ^{One vote}

(3) The chairman does not have a vote except in the event of an equality of votes. ^{Chairman vote}

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. ^{Vacancies, chairman}

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. ^{Idem}

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. ^{Idem}

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. ^{Other members}

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils. ^{Resignation}

Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine.

Idem (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remuneration of committee chairman (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural by-laws **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council **17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief administrative officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies ^{Application of R.S.O. 1970, c. 284} to a chief administrative officer appointed under subsection 2.

18. When the chairman is absent from the Regional Area ^{Acting chairman} or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 ^{Application of R.S.O. 1970, c. 284} and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

20.—(1) The Regional Council shall appoint a clerk whose ^{Appointment of clerk} duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

(3) When the office of the clerk is vacant or the clerk ^{Acting clerk} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section ^{Acting clerk, first meeting} 9 shall appoint an acting clerk who shall have all the powers

and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment
of treasurer

22.—(1) The Regional Council shall appoint a treasurer to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and
disbursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in

Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund ^{Petty cash fund} of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed ^{When member may be paid}.

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute ^{Treasurer's liability limited}.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board except school boards of the Regional Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Dis-
qualification
of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Application
of R.S.O. 1970,
c. 284

27.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 9, 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. ^{Pensions}

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. ^{Idem}

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. ^{Sick leave credits}

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. ^{Holidays}

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed by the County of Waterloo or by the Waterloo County Area Planning Board or by any roads commission or the health unit for the County ^{Offer of employment}

of Waterloo or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1972.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972.

Application
of R.S.O. 1970,
c. 324

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(9) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, not less than he was receiving on the 1st day of April, 1972.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-
ment of Part

28. This Part comes into force on the day this Act receives Royal Assent.

PART III

REGIONAL WATERWORKS SYSTEM

29.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. ^{Establishment of waterworks}

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. ^{Waterworks utility commission prohibited}

30.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. ^{Assumption of works and mains}

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. ^{Idem}

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. ^{Interpretation}

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein. ^{Extension of time}

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, ^{Regional liability}

- (a) no compensation or damages shall be payable to the area municipality or local board;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

- (6) If the Regional Corporation fails to make any payment on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

- (7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpre-
tation

- (8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

Existing
agreements

- 31.—**(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

- (2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

32.—(1) No area municipality, after the 31st day of December, 1972, shall establish, maintain or operate any works for the production, treatment and storage of water. Power of area municipalities restricted

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. Proviso

33.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any such water beyond the limits of the municipality without the approval of the Regional Council. Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 25th day of October, 1972, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. Proviso

34.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. Regulation of supply, etc.

(2) Where, immediately before the 1st day of January, 1973, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act*, the Regional Corporation may continue to fluoridate the water supply to such area. Continuation of fluoridation of water supply in area R.S.O. 1970, c. 178

35. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. Maintenance, management, etc.

Rates

36.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1970,
c. 323, s. 53,
subs. 1, cl. k,
not applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited

37.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts

38. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry.

Application
of revenues
R.S.O. 1970,
c. 390

39.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system; or
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at

any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide ^{Where levy unnecessary} for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

(3) The moneys forming part of a reserve fund established ^{Reserve fund R.S.O. 1970, c. 470} under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

(4) The moneys forming part of a reserve fund established ^{Application of reserve fund} under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

40.—(1) Subject to section 47, the Regional Corporation may ^{Disposal of property} sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

(2) The proceeds of any such sale, lease or other dis- ^{Proceeds} position shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

41.—(1) The Regional Corporation is not liable for damages ^{Temporary shut-offs} caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards
for local
systems

42.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of
local
extensions
and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

43. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality;
or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Payment of
charges

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional

Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 12 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

45. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

47. Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

48. The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of

supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of Part

49. This Part comes into force on the day this Act receives Royal Assent.

PART IV

REGIONAL SEWAGE WORKS

Interpre-
tation

50.—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system^{Idem} or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

51.—(1) For the purpose of collecting or receiving from^{General powers} the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.^{Sewage works, utilities commission prohibited}

52. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.^{Construction, etc., of trunk sewage works}

53.—(1) The Regional Council shall, before the 31st day^{Assumption of treatment works} of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

(2) The Regional Council may at any time pass by-laws^{Other works} for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1973.

(3) A by-law under subsection 1 or 2 shall designate and^{Idem} describe the works assumed.

(4) Notwithstanding subsection 1, a by-law for assuming^{Extension of time} any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein.

(5) Where the Regional Corporation assumes a work or^{Regional liability} watercourse vested in an area municipality or local board,

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Existing
agreements

54.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may

by order terminate any such agreement and adjust all rights and liabilities thereunder.

55.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council. Powers of area municipalities restricted

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1972, without the approval of the Regional Council. Idem

56. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. Regulation of system, etc.

57.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. Special benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and re-apportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom. Idem

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality. Payment

Raising of
money by
area
municipality
R.S.O. 1970,
c. 284

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

Connecting
to regional
works or
watercourses

58.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Contracts
for disposal
of sewage

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards
for local
systems

59.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

60. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

61.—(1) The Regional Council may pass by-laws providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. Special
sewage
service rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of
money by
area
municipality
R.S.O. 1970,
c. 284

62. The Regional Council may contribute towards the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. Contribution
towards
cost of
separation of
combined
sewers

63. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the Transfer
of rights
over
works
assumed

same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

64. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
regional
works

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of Part

66. This part comes into force on the day this Act receives Royal Assent.

PART V

REGIONAL ROAD SYSTEM

Interpre-
tation

67. In this Part,

- (a) “approved” means approved by the Minister or of a type approved by the Minister;
- (b) “construction” includes reconstruction;
- (c) “maintenance” includes repair;
- (d) “Minister” means the Minister of Transportation and Communications;
- (e) “Ministry” means the Ministry of Transportation and Communications;
- (f) “road authority” means a body having jurisdiction and control of a highway.

County roads
to constitute
regional road
system

68.—(1) On and after the 1st day of January, 1973, all roads under the jurisdiction and control of the County of Waterloo on the 31st day of December, 1972, shall constitute the

regional road system together with those roads under the jurisdiction and control of the County of Wentworth that are included within the area municipality of the Township of North Dumfries.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of
provincial
highway to
Regional
Corporation

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of
roads in
regional
road
system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of
roads from
regional road
system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 78, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads
removed
from
system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of
land
acquired for
widening
regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Idem

Consolidating
by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application
of R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plan of
construction
and
maintenance

69. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of
information
to Minister

70. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

71. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

72. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power
over roads
assumed

73. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Waterloo or the County of Wentworth or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon

such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Waterloo or the County of Wentworth or the area municipality or municipalities or the suburban roads commissions, as the case may be, might have done if the roads had not become part of the regional road system.

74.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipalities may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to
conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1970,
c. 201, s. 97,
subs. 4, not
to apply

75.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation
of traffic
control
devices

Relocation of
intersecting
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
regional road

76. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

77. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 68 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities of
Regional
Corporation

78. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
c. 202

Erection of
gasoline
pump and
advertising
device near
regional road

79.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any

gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

80.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970,
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 ft. of regional roads

81. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

82.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance etc., of bridges and highways
R.S.O. 1970,
c. 284

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between
area muni-
cipalities
R.S.O. 1970,
c. 284

83. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

84. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

85.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws

R.S.O. 1970,
c. 349

86.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim

Appeal

or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice
and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private
roads, etc.,
opening
upon regional
controlled-
access road

87. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

88.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 87.

Service of
notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to
comply with
notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more

than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 86 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 87, in which case the making of compensation is subject to any provisions of such by-law.

89.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

90.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

91. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of R.S.O. 1970,
c. 201

92. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

Commence-
ment of Part

93. This Part comes into force on the day this Act receives Royal Assent.

PART VI

PLANNING

Planning
area

R.S.O. 1970,
c. 349

94.—(1) On and after the 1st day of January, 1973, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Waterloo Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Waterloo Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Waterloo Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

Area
muni-
cipalities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1973, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of
official
plan

(6) When the Minister has approved an official plan adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

95.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Waterloo Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Waterloo Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Waterloo Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Waterloo Planning Area in determining the solution of problems or matters affecting the development of the Waterloo Planning Area; and
- (c) consult with any local board having jurisdiction within the Waterloo Planning Area.

(2) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Waterloo Planning Area or any part thereof.

Delegation of
Minister's
powers

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

R.S.O. 1970,
c. 349

Committees
of
adjustment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Waterloo Planning Area are hereby dissolved on the 31st day of December, 1972, and the council of each area municipality shall forthwith after the 1st day of January, 1973, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1973, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of
R.S.O. 1970,
c. 349

96. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-
ment of Part

97. This Part comes into force on the day this Act receives Royal Assent.

PART VII

HEALTH AND WELFARE SERVICES

Liability
for hospitali-
zation of
indigents

R.S.O. 1970,
cc. 378, 361

98.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Waterloo.

Existing
liabilities
transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973.

Proviso

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of Waterloo for the purposes mentioned in such section 8 in the year 1972 and shall be paid to the Regional Corporation.

Hospitaliza-
tion grant
1973 under
R.S.O. 1970,
c. 293

99.—(1) The Regional Council may pass by-laws for granting, aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor.

Aid to
hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of
principal
and interest
to area
municipi-
alities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 122.

Hospital
costs form
part of
regional
levy

100.—(1) On and after the 1st day of January, 1973, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Waterloo Regional Board of Health.

Regional Area
to be health
unit
R.S.O. 1970,
c. 377

(2) The health unit serving the County of Waterloo on the 31st day of December, 1972, is hereby dissolved on the

Dissolution
of Waterloo
health unit

1st day of January, 1973, and all the assets and liabilities thereof shall become the assets and liabilities of the Waterloo Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

101.—(1) On and after the 1st day of January, 1973, the Waterloo Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Waterloo Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

102.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county
under
R.S.O. 1970,
cc. 104, 192,
203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

103.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability
for homes
for aged

R.S.O. 1970,
c. 206

(2) The Waterloo County Home for the Aged known as Sunnyside and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1973, without compensation.

Waterloo
county
home for
aged vested
in Regional
Corporation

104.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1972, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Residents of
other homes
for the
aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of
maintenance
payment

105. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 64

106. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred
1965, c. 14

107. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Liability
under
order made
under
R.S.C. 1970,
c. J-3

108. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Information

109. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by

Adjustments

agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants etc.,
to approved
corporations
under R.S.O.
1970, c. 204

110. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Commence-
ment of Part

111. This Part comes into force on the 1st day of January, 1973.

PART VIII

POLICE

Interpre-
tation

112. In this Part, "Waterloo Police Board" means the Waterloo Regional Board of Commissioners of Police.

Waterloo
Regional
Board
established
R.S.O. 1970,
c. 351

113.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1972, a board of commissioners of police shall be constituted to be known as the Waterloo Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a court having jurisdiction in the Judicial District of Waterloo designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Waterloo Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

114.—(1) On and after the 1st day of January, 1973,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according

to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof; R.S.O. 1970,
c. 351

(b) *The Police Act* does not apply to any area municipality; and

(c) The Waterloo Police Board and the members of the Waterloo Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws Fines of any area municipality, shall where prosecuted by The Waterloo Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

115.—(1) Every person who is a member of a police force Area police
force of a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Waterloo Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a Waterloo
Regional
Police
Force local municipality on the 31st day of December, 1972, and becomes a member of the Waterloo Regional Police Force on the 1st day of January, 1973, is subject to the government of the Waterloo Police Board to the same extent as if appointed by the Waterloo Police Board and the Waterloo Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the Waterloo Regional Police.

(3) Every person who becomes a member of the Waterloo Terms of
employment Regional Police Force under subsection 1 shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Waterloo Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario

Municipal Employees Retirement System supplementary plan as established for the City of Kitchener Police Force;

- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Waterloo Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Waterloo Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to serve on a permanent basis in a detachment farther than in an area municipality adjoining the area municipality in which his present detachment headquarters are located.

Joint
bargaining
committee

(4) On or before the 1st of November, 1972, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Waterloo Police Board in the manner and for the purposes provided in *The Police Act* and the Waterloo Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(5) The first meeting of the bargaining committee and the Waterloo Police Board shall be held not later than the 30th day of November, 1972.

Assumption
of buildings

116.—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Waterloo Police Board any such land or building that the Waterloo Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by area
municipalities
limited

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

(3) Notwithstanding subsection 1, a by-law for assuming ^{Extension of time} any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein.

(4) Where any part of a building mentioned in subsection 1 ^{Building not used exclusively for police force} is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property ^{Regional Corporation liability} under subsection 1 or 3,

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment ^{Default} on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional Corporation

interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommoda-
tion

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Waterloo Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Waterloo Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

(8) At the request of the Waterloo Police Board, each area municipality, for the use of the Waterloo Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Waterloo Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
to be
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

117. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Waterloo Police Board.

Property
to be
provided

118. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of Part

PART IX

FINANCES

119.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Interpre-
tation
R.S.O. 1970,
c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act.

Area
municipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional
Corporation
deemed
regional
municipality

(a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment
of moneys
not
immediately
required
R.S.O. 1970,
c. 284

120. Section 312 of *The Municipal 'Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

121.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall, except in the year 1973, make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Operating
deficit,
County of
Waterloo

(3) The amount by which any operating deficit existing for the County of Waterloo on the 31st day of December, 1972, exceeds the total of such county's reserves and building reserve fund on such date shall become a charge on the assessment supporting such deficiency and shall be paid to the Regional Corporation by the appropriate area municipality or municipalities not later than the 30th day of June, 1973.

Operating
surplus, etc.,
County of
Waterloo

(4) Where an operating surplus exists for the County of Waterloo on the 31st day of December, 1972, or where an operating deficit exists on such date that does not exceed the total of such county's reserves and building reserve fund on such date, a sum shall be determined equivalent to,

- (a) the audited surplus of the County of Waterloo, together with the total of such county's reserves and building reserve fund on such date; or
- (b) the total of the county's reserves and building reserve fund less the audited deficit of the county on such date,

and such sum shall be apportioned among the City of Galt, the City of Kitchener and the City of Waterloo in the proportion that the weighted, equalized assessment for each city respectively, as ascertained under section 122 for the purpose of apportioning the regional levy for 1973, bears to the total weighted, equalized assessment so ascertained for the three

cities, and the amount apportioned to each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1973.

(5) The Regional Council shall transfer to a reserve for working funds an amount equal to the aggregate of any amounts payable under subsection 4. Reserve for working funds

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, cc. 32, 284

122.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, Levy on area municipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized assessment

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of Copy to Regional Corporation and area municipality

the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

R.S.O. 1970,
c. 32

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment
to include
valuations on
properties for
which pay-
ments in lieu
of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which

include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* R.S.O. 1970, c. 284, and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, 1971, c. 78

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations. Valuation of properties

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. Levy by-laws

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy R.S.O. 1970, c. 32

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

123.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding. Equalization of assessment of merged areas

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of
rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Adjustment
of 1973
tax rate

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by
Regional
Council
before
estimates
adopted

124.—(1) Notwithstanding section 122, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under
section 81 to
be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by
area municipality before
estimates
adopted

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Business
assessment

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

Levy under
section 123 to
be reduced

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of R.S.O. 1970,
c. 284, s. 303,
subs. 4

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

R.S.O. 1970,
c. 284, s. 303
not to apply

125.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
public school
purposes on
residential
assessment

R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Regulations
under
R.S.O. 1970,
c. 425 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional
adjustments

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the

order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

127.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1973
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972.

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

(4) For the purpose of this section and section 129, the audited surplus or operating deficit of each of the cities of Galt, Waterloo and Kitchener at the 31st day of December, 1972, shall be reduced or increased as the case may be by any payment made by that city under section 121.

Surplus or operating deficit of certain cities

RESERVES AND RESERVE FUND

128.—(1) Where, under subsection 2 of section 307 of *The Municipal Act*, the County of Waterloo has established reserves, those reserves shall become the reserves of the Regional Corporation.

Reserves

(2) The building reserve fund of the County of Waterloo shall become the building reserve fund of the Regional Corporation.

Building reserve fund

Interpre-
tation

R.S.O. 1970,
c. 284

129.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31, 1972
to be applied
to supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Arbitration

130.—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Beverly, the Township of North Dumfries and the Township of Waterloo.

Idem

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents
and records
of divided
municipalities

(8) Notwithstanding the provisions of sections 121, 129 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

Period of
adjustment

RESERVE FUNDS

131.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve funds
of municipa-
lities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Idem

132.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds,
establish-
ment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments
and income

R.S.O. 1970,
c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any

Expenditure
of reserve
fund
moneys

purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings

133.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application of
estimates of
preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such

money as may be borrowed thereon from the time when such money is actually lent.

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

DEBT

134.—(1) Subject to the limitations and restrictions in this *Debt Act and The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Uncompleted works

(4) When an area municipality, prior to the 31st day of December, 1972,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1970,
c. 470

135. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

136.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Proviso

137.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing
pending issue
and sale of
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection

Interest on
proceeds
transferred

2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

138.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
alities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5 the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the

by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed

by the chairman or acting chairman and one other member of the sinking fund committee.

Investments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470 (a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario (34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking fund accounts (35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings credited to sinking fund account (36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under

subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. Where amount in sinking fund account more than sufficient to pay debt

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. No diversion of sinking funds

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, Surplus

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or

- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
- (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

When rate of
interest
may be
varied

139.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest ;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies ;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto ;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures ; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

140.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

141.—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose Application of payments

other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

142. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws may
be registered

143.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 136, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with.

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

144.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

145. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

146.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not,
after a certificate of ownership has been endorsed
thereon by the treasurer of this Corporation (or by
such other person authorized by by-law of this
Corporation to endorse such certificate of owner-
ship), transferable except by entry by the treasurer
(or by such other person so authorized) in the
Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements
as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by
entry in
Debenture
Registry
Book

147. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement
of lost
debentures

148.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request
of sinking
fund
committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debentures of
same force
and effect as
debentures
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Debentures
surrendered
for exchange
to be
cancelled

149.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds of
debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

150. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for debentures

151. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional

Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

152.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

153. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Application
of surplus
money

154. —(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of
members

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Dis-
qualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

155. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

156. In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued, at more than \$5,000.

Commence-
ment of Part

157.—(1) This Part, except sections 130 and 156, comes into force on the 1st day of January, 1973.

Idem

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent.

PART X

GENERAL

158.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed municipality for R.S.O. 1970, c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality. By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of Vesting of transportation system assets in Regional Corporation

subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Emergency
measures,
civil defence

159.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

160. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Expenditures
for diffusing
information

161. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Grants to
persons
engaged in
work
advantageous
to Regional
Area

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Waterloo Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of
damages
to employees
R.S.O. 1970,
c. 505

163.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including

Investigation
by county
judge of
charges of
malfeasance

any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

1971, c. 49

Fees payable
to judge
R.S.O. 1970,
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission
of inquiry

164.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways, etc.

165. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

166. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. Agreements re services

167.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 23

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. Interpretation

168.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Waterloo" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collectors
and assessors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

County
dissolved

169.—(1) The Corporation of the County of Waterloo is dissolved on the 1st day of January, 1973.

Assets and
liabilities,
etc.

(2) All the assets and liabilities of the County of Waterloo become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Waterloo shall be transferred to the clerk, and on the same date that portion of the Township of Beverly described in clause *c* of subsection 1 of section 2 is withdrawn from the County of Wentworth for all municipal and school purposes.

(3) The Waterloo County Library Board is dissolved on the 1st day of January, 1973 and all the assets and liabilities thereof shall vest on such date in the Regional Corporation. Dissolution of library board

(4) The Regional Corporation shall for the purposes of *The Public Libraries Act* be deemed to be a board of a county library. Regional Corporation deemed board under R.S.O. 1970, c. 381

(5) The operation of the regional library system shall be limited to the township area municipalities and operating costs thereof shall be apportioned amongst such area municipalities in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 122, bears to the total equalized, weighted assessment for such township area municipalities. Apportionment of library system costs

170.—(1) The Galt Suburban Roads Commission, the Kitchener Suburban Roads Commission and the Waterloo Suburban Roads Commission are hereby dissolved on the 1st day of January, 1973. Roads commissions dissolved

(2) All the assets and liabilities of the roads commissions referred to in subsection 1 become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the clerk. Assets and liabilities

171.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Waterloo and roads commissions dissolved under this Act. Powers of Municipal Board

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. Settling of doubts
R.S.O. 1970, c. 323

172. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. Conditional powers

173. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

**Municipal
buildings**

174.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

**Application
of
R.S.O. 1970,
c. 284, s. 256**

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

**Interpre-
tation**

175.—(1) In this section, “waste” includes ashes, garbage, refuse, industrial waste or municipal refuse.

**Receiving
and disposing
of waste by
Regional
Corporation**

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

**Waste
disposal sites**

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation.

**Payments of
principal
and interest
to area
municipi-
alities**

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Default

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

176. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

177.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1970, c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils R.S.O. 1970, c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto. Existing speed limits continued

178.—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*. Application of R.S.O. 1970, c. 354, s. 108

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction. Distribution of electrical power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a Members of commission continue in office

date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions dissolved

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Members of commission not disqualified as members of Council
R.S.O. 1970, c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Wellesley Village council to be Hydro-Electric Commission

R.S.O. 1970, c. 390

(6) The members of the council of the Village of Wellesley as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Wellesley Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Wellesley, which shall be deemed to be a local board of the area municipality of the Township of Wellesley and all rights and obligations of the Village of Wellesley in relation to the Village of Wellesley Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Wellesley.

Bridgeport Village council to be Hydro-Electric Commission

R.S.O. 1970, c. 390

(7) The members of the council of the Village of Bridgeport as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Bridgeport Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Bridgeport, which shall be deemed to be a local board of the area municipality of the City of Kitchener and all rights and obligations of the Village of Bridgeport in relation to the Village of Bridgeport Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Bridgeport.

Recreation and parks management board
R.S.O. 1970, cc. 120, 73

179. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of

the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

180. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Waterloo County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Waterloo County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*,^{Election R.S.O. 1970, cc. 362, 368} 1972, c. 95 in the year 1972,

- (a) the polling day for the members of The Waterloo County Board of Education and of The Waterloo County Roman Catholic Separate School Board shall be the 16th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;
- (b) the Minister shall, by order, provide for nomination of candidates for The Waterloo County Board of Education and for The Waterloo County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

181.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1973, the Regional Municipality of Waterloo is a school division and the Waterloo County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for the Regional Municipality of Waterloo.^{Regional Municipality, school division}

(2) Subject to subsection 3, on the 1st day of January, 1973 all real and personal property in the Regional Area that, on the 31st day of December, 1972, was vested in The Wentworth County Board of Education is vested in the divisional board for the Regional Corporation and all debts, contracts, agreements and liabilities for which the Wentworth^{Vesting of property}

County Board of Education was liable in respect of such real and personal property become obligations of the divisional board for the Regional Corporation.

Adjustment
of assets and
liabilities

(3) The divisional board for the Regional Corporation and The Wentworth County Board of Education shall adjust in an equitable manner as may be agreed upon the assets and the liabilities as at the 31st day of December, 1972 in respect of such real and personal property referred to in subsection 2, except lands and premises used as schools on such 31st day of December, including the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts
of teachers

(4) The employment contract of every teacher who, immediately before the 1st day of January, 1973 was employed by the Wentworth County Board of Education to teach in a school that on and after the 1st day of January, 1973 is included in the Regional Area shall be deemed to have been made with the divisional board for the Regional Corporation.

s. 244 of
R.S.O. 1970,
c. 284, not
to apply

182. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972.

Public library
boards
R.S.O. 1970,
c. 381

183. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional Area
to pass
by-laws

184. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Expenditures
of Regional
Corporation
during 1972

185. The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Commence-
ment of Part

186.—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

187. This Act may be cited as *The Regional Municipality of Waterloo Act, 1972*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo declare that:

- 1. I am a British subject and am not a citizen or a subject of any foreign country.
- 2. I am of the full age of eighteen years.
- 3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
- 4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Waterloo or any local board thereof or any area municipality or local board thereof.
- 5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

CHAPTER 106

**An Act to amend
The Environmental Protection Act, 1971**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, is repealed and the following substituted therefor: ^{s. 1 (c), re-enacted}

- (c) “contaminant” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man which may,
- (i) impair the quality of the natural environment for any use that can be made of it,
 - (ii) cause injury or damage to property or to plant or animal life,
 - (iii) cause harm or material discomfort to any person,
 - (iv) adversely affect the health or impair the safety of any person, or
 - (v) render any property or plant or animal life unfit for use by man.

(2) The said section 1, as amended by the Statutes of ^{s. 1, amended} Ontario, 1972, chapter 1, section 69, subsection 1, is further amended by adding thereto the following clauses:

- (da) “Hearing Board” means the Environmental Hearing Board established under *The Ontario Water Resources Act*; ^{R.S.O. 1970, c. 332}
-

(ga) "Ministry" means the Ministry of the Environment.

s. 1 (l),
repealed

(3) Clause l of the said section 1 is repealed.

s. 8,
re-enacted;
s. 9,
repealed

2. Sections 8 and 9 of the said Act are repealed and the following substituted therefor:

Approval
of Director

8.—(1) No person shall,

- (a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may emit or discharge or from which may be emitted or discharged a contaminant into any part of the natural environment other than water; or
- (b) alter a process or rate of production with the result that a contaminant may be emitted or discharged into any part of the natural environment other than water or the rate or manner of emission or discharge of a contaminant into any part of the natural environment other than water may be altered,

unless he has first obtained a certificate of approval issued by the Director of the Air Management Branch of the Ministry for the methods or devices or both to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water.

Director
may require
material

(2) The Director may require an applicant for a certificate of approval under subsection 1 to submit any plans, specifications and other information and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the methods and devices to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water and, subject to subsection 4, the Director may issue a certificate of approval.

Exceptions

(3) Subsection 1 does not apply to,

- (a) routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing;
- (b) equipment for the combustion of fuel, other than waste incinerators, in buildings or struc-

tures designed for the housing of not more than three families;

- (c) any equipment, apparatus, mechanism or thing in or used in connection with a building or structure designed for the housing of not more than three families where such equipment, apparatus, mechanism or thing may produce sound or vibration;
 - (d) any plant, structure, equipment, apparatus, mechanism or thing that may be a source of contaminant of a class exempted therefrom by the regulations;
 - (e) any plant, structure, equipment, apparatus, mechanism or thing used in agriculture;
 - (f) any motor or motor vehicle that is subject to the provisions of Part III.
- (4) The Director may refuse to issue a certificate of approval or may issue a certificate of approval on such terms and conditions or alter any terms and conditions in a certificate of approval as he considers necessary, ^{Powers of Director}
- (a) to ensure that any construction, alteration, extension or replacement that is referred to in clause *a* of subsection 1 or that any alteration of a process or rate of production that is referred to in clause *b* of subsection 1, or the methods or devices or both employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water, will result in compliance with this Act and the regulations and any order or approval thereunder;
 - (b) on probable grounds, to prevent or alleviate a nuisance, a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it.

3. Subsection 1 of section 14 of the said Act is repealed and ^{s. 14 (1), re-enacted} the following substituted therefor:

- (1) Notwithstanding any other provision of this Act ^{Prohibition} or the regulations, no person shall deposit, add, emit or discharge a contaminant or cause or permit

the deposit, addition, emission or discharge of a contaminant into the natural environment that,

- (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render any property or plant or animal life unfit for use by man.

s. 15 (1),
re-enacted

4. Subsection 1 of section 15 of the said Act is repealed and the following substituted therefor:

When
Ministry
to be
notified

- (1) Every person who deposits, adds, emits or discharges a contaminant or causes or permits the deposit, addition, emission or discharge of a contaminant into the natural environment out of the normal course of events that,
 - (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
 - (b) causes or is likely to cause injury or damage to property or to plant or animal life;
 - (c) causes or is likely to cause harm or material discomfort to any person;
 - (d) adversely affects or is likely to adversely affect the health of any person;
 - (e) impairs or is likely to impair the safety of any person; or
 - (f) renders or is likely to render any property or plant or animal life unfit for use by man,

shall forthwith notify the Ministry.

s. 28 (a),
amended

5.—(1) Clause *a* of section 28 of the said Act is amended by striking out “Department” in the second line and inserting in lieu thereof “Ministry”.

(2) The said section 28 is amended by adding thereto the ^{s. 28, amended} following clause:

(aa) "Executive Director" means the Executive Director, Air and Land Pollution Control Division of the Ministry.

(3) Clause *c* of the said section 28 is repealed and the ^{s. 28 (c), re-enacted} following substituted therefor:

(c) "owner" includes,

- (i) a person that is responsible for the establishment or operation of a waste management system or waste disposal site, or
- (ii) the person that owns the land in or on which a waste disposal site is located.

(4) The said section 28, as amended by the Statutes of ^{s. 28, amended} Ontario, 1972, chapter 1, section 69, subsection 2, is further amended by adding thereto the following clause:

(ca) "owner" in section 46*a*, means a person that is responsible for the operation of a well that is a waste disposal site.

6. Section 29 of the said Act is amended by striking out ^{s. 29, amended} "Commission" in the sixth line.

7. The said Act is amended by adding thereto the following ^{ss. 33*a*-33*e*, enacted} sections:

33*a*.—(1) Where the Executive Director receives an application for a certificate of approval for the use, ^{When public hearing required} operation, establishment, alteration, enlargement or extension of a waste disposal site for the disposal of hauled liquid industrial waste or hazardous waste as designated in the regulations or any other waste that the Executive Director ascertains, having regard to the nature and quantity of the waste, is the equivalent of the domestic waste of not less than 1,500 persons, the Executive Director shall, before issuing or refusing to issue the certificate of approval, hold a public hearing.

(2) At least fifteen days notice of the hearing shall be ^{Notice of hearing} given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, enlarge or extend the waste disposal site and to the owners or occupants of the lands adjoining the land upon or in which the waste disposal site is or is intended to

be located and to such other persons and in such manner as the Executive Director may direct and such notice shall be published once a week for three consecutive weeks in a newspaper having general circulation in the locality where the waste disposal site is or is intended to be located provided there is a newspaper having general circulation in the locality and published at least once a week.

Where
emergency
situation
exists

33b. Notwithstanding the provisions of section 33a, where, in the opinion of the Executive Director, an emergency situation exists by reason of,

- (a) danger to the health or safety of any person ;
- (b) impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it ; or
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life,

and the emergency situation will be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Executive Director may issue a certificate of approval therefor without holding a public hearing.

Where public
hearing may
be held

33c.—(1) Where the Executive Director receives an application for a certificate of approval for the use, operation, establishment, alteration, extension or enlargement of,

- (a) a waste management system that does not include a waste disposal site referred to in section 33a; or
- (b) a waste disposal site other than a waste disposal site referred to in section 33a,

the Executive Director may, before issuing or refusing to issue the certificate of approval, hold a public hearing.

Notice of
hearing

- (2) Where a hearing is held under subsection 1, at least fifteen days notice shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, extend or enlarge the waste management system or waste disposal site and to the

owners or occupants of the lands adjoining any land upon or in which the waste disposal site is located or is intended to be located and to such other persons and in such manner as the Executive Director may direct.

- 33d.—(1) Where the Executive Director is required or permitted to hold a hearing under this Act, he may by a notice in writing, and on such terms and conditions as he may direct, require the Hearing Board to hold the hearing. Executive Director may require Hearing Board to hold public hearing
- (2) Upon receipt of notice from the Executive Director, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Executive Director. When Hearing Board to hold public hearing
- (3) Except where inconsistent with subsections 1 and 2, the provisions of section 9a of *The Ontario Water Resources Act* apply where a public hearing is held under subsections 1 and 2 by the Hearing Board. Procedure R.S.O. 1970, c. 332
- (4) Where the Executive Director requires the Hearing Board to hold a public hearing, the Executive Director shall not issue or refuse to issue a certificate of approval until he has received and considered the report of the Hearing Board. Executive Director to consider report of Hearing Board
- 33e. Where the Executive Director is absent for any reason, the Director may carry out any of the duties and exercise any of the powers of the Executive Director under this Part. Director may act in place of Executive Director

8. Section 35 of the said Act is repealed and the following substituted therefor: s. 35, re-enacted

- 35.—(1) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister, upon the application of the person applying for a certificate of approval for the waste disposal site, may, by a notice in writing, and on such terms and conditions as he may direct, require the Hearing Board to hold a public hearing to consider whether or not the by-law should apply to the proposed waste disposal site. Hearing as to by-law
- (2) Upon receipt of notice from the Minister, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Minister. When Hearing Board to hold public hearing

Procedure

R.S.O. 1970,
c. 332

- (3) Except where inconsistent with subsections 1 and 2, the provisions of section 9a of *The Ontario Water Resources Act* apply where a public hearing is held under subsections 1 and 2 by the Hearing Board.

Parties and
procedure

- (4) Where the Minister requires a public hearing under subsection 1,
- (a) the applicant, the municipality and any other person specified by the Hearing Board shall be given notice of the hearing in such manner as the Hearing Board directs; and
 - (b) the Hearing Board shall hold the public hearing within the municipality within which it is proposed to locate the waste disposal site.

Order

- (5) The Minister, after receiving the report of the Hearing Board, may order that the by-law referred to in subsection 1 does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to apply thereto.

s. 37,
repealed**9.** Section 37 of the said Act is repealed.s. 39 (1),
amended

10.—(1) Subsection 1 of section 39 of the said Act is amended by inserting after "The" in the first line "Executive".

s. 39 (2),
re-enacted

(2) Subsection 2 of the said section 39 is repealed and the following substituted therefor:

Powers of
Executive
Director

- (2) The Executive Director may,
- (a) refuse to issue or renew;
 - (b) suspend or revoke; or
 - (c) impose, alter or revoke terms and conditions in, a certificate of approval or provisional certificate of approval where,
 - (d) the waste management system or the waste disposal site does not comply with this Act or the regulations; or
 - (e) he considers, upon probable grounds, that the use, establishment, operation, alteration, enlargement or extension of the waste management system or the waste disposal site may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person.

11. Section 40 of the said Act is amended by inserting after ^{s. 40,} "upon" in the first line "in, into or through". _{amended}

12.—(1) Subsection 1 of section 42 of the said Act is ^{s. 42 (1),} amended by inserting after "upon" in the first line "in, into _{amended} or through", and by inserting after "the" where it occurs the first time in the third line "Executive".

(2) Subsection 2 of the said section 42 is amended by ^{s. 42 (2),} inserting after "the" where it occurs the second time in the _{amended} second line "Executive".

13. Section 43 of the said Act is amended by inserting after ^{s. 43,} "the" where it occurs the second time in the second line _{amended} "Executive".

14. Section 44 of the said Act is amended by inserting ^{s. 44,} after "the" where it occurs the first time in the second line _{amended} "Executive".

15.—(1) Subsection 1 of section 45 of the said Act is ^{s. 45 (1),} amended by striking out "Director" wherever it occurs and _{amended} inserting in lieu thereof in each instance "Executive Director".

(2) Subsection 2 of the said section 45 is amended by ^{s. 45 (2),} inserting after "the" where it occurs the second time in the _{amended} first line "Executive".

(3) Subsection 3 of the said section 45 is amended by ^{s. 45 (3),} inserting after "the" where it occurs the second time in the _{amended} sixth line "Executive".

(4) Subsection 4 of the said section 45 is amended by ^{s. 45 (4),} inserting after "the" where it occurs the first time in the _{amended} first line "Executive".

16. The said Act is amended by adding thereto the following ^{s. 46a,} section: _{enacted}

46a.—(1) There shall be an account in the Consolidated ^{Security} Revenue Fund to be known as "The Waste Well _{Fund} Disposal Security Fund", referred to in this section as the "Fund", into which shall be paid the prescribed fees received under this Act.

(2) Interest shall be credited to the Fund out of the ^{Interest} Consolidated Revenue Fund at a rate to be deter- _{Interest} mined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

Owner of
waste
disposal
well to
pay fee

- (3) The owner of every well that is a waste disposal site shall pay a fee calculated upon the amount and type of waste disposed of in the well.

Fee paid to
Treasurer

- (4) The fee shall be paid to the Treasurer of Ontario for payment into the Fund.

Calculation
and payment
of fee

- (5) The fee shall be at the rate or rates prescribed by the regulations, shall be paid upon the amount and type of waste disposed of in the well in each calendar year and shall be paid in advance in each calendar year.

Estimate by
Executive
Director

- (6) The Executive Director shall estimate the amount of the fee for each calendar year based upon the amount and type of waste disposed of in the well in the previous calendar year and where waste was not disposed of in the well in the previous calendar year the Executive Director shall estimate the fee on the basis of the amount and type of waste that in his opinion will be disposed of in the well in the current calendar year and may revise such estimate at any time before payment of the estimated fee as required by subsection 7.

Payment of
estimated
fee

- (7) The estimated fee for each calendar year shall be paid within thirty days after receipt of the notice or revised notice by the owner of the well of the amount of the fee estimated by the Executive Director.

Adjustment
of fee

- (8) At the end of each calendar year, the Executive Director shall calculate the amount of the fee for the year and,
- (a) where the fee estimated and paid for the year is less than the calculated fee, the Executive Director shall add the difference to the estimated fee for the next calendar year or may, by a notice in writing, require the owner of the well to pay the difference forthwith to the Treasurer of Ontario; and
 - (b) where the fee estimated and paid for the year is greater than the calculated fee, the Executive Director shall deduct the difference from the estimated fee for the next calendar year or may certify to the Treasurer of Ontario the amount

of such difference and the Treasurer shall pay such amount to the owner of the well.

- (9) Where the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that any person takes for ordinary household purposes or for the watering of live stock, poultry, home gardens or lawns, or for the watering or irrigation of crops grown for sale, is rendered unfit for such use by reason of the operation of any well that is a waste disposal site, the person is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he gives notice to the Executive Director forthwith after becoming aware that the water has been rendered unfit and makes a claim therefor under subsection 10 within six months, or such longer period of time as may be determined by the Executive Director, from the date that the Executive Director received the notice that the water has been rendered unfit. ^{Person suffering damage to be compensated}
- (10) A person claiming to be entitled to compensation out of the Fund shall make application therefor to the Executive Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Executive Director such additional information with respect to the subject-matter of the claim that the Executive Director may require and that is within his knowledge. ^{Claim for compensation}
- (11) The Executive Director shall investigate or cause an investigation to be made and shall determine whether there are reasonable grounds for believing that the water referred to in subsection 9 has been rendered unfit for any of the purposes set out therein and for which it was used and that it has been rendered unfit by the disposal of waste in any well that is a waste disposal site and in such case shall determine the amount of the claimant's reasonable and necessary expenses incurred in obtaining an alternate supply of water substantially equivalent in quantity and quality to such water. ^{Determination by Executive Director}
- (12) The Executive Director shall set out his determination in a certificate together with written reasons therefor and send a copy thereof to the claimant by registered mail at the address set out in the application. ^{Executive Director's certificate}

When
certificate
final

- (13) The certificate of the Executive Director is final at the end of thirty days from the date of mailing it to the claimant unless notice of appeal is served within that time.

Appeal

- (14) The claimant may appeal to the Board at any time before the certificate of the Executive Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X.

Payment out
of Fund

- (15) Where the Executive Director has sent his certificate by registered mail to the claimant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the Executive Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the claimant out of the Fund.

Recovery
of money

- (16) Where a claimant who has received any payment out of the Fund recovers any moneys, directly or indirectly, from the owner of a well that is a waste disposal site, in respect of the expenses for which the payment was made out of the Fund, the claimant shall repay to the Treasurer of Ontario for credit to the Fund an amount equal to the payment out of the Fund or the moneys received from the owner of the well, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

Recovery of
fees owing

- (17) Any fee or any difference between the estimated fee and the calculated fee referred to in clause *a* of subsection 8 that is payable under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown.

s. 47,
amended

17. Section 47 of the said Act is amended by inserting after "43" in the third line "or fails to comply with any term or condition of a certificate of approval or provisional certificate of approval".

Part VI,
heading,
amended

18. The heading to Part VI of the said Act is amended by striking out "Herbicides And".

s. 49 (*a*),
re-enacted

19.—(1) Clause *a* of section 49 of the said Act is repealed and the following substituted therefor:

- (*a*) "Director" means the Director of a branch of the Ministry designated by the Minister to administer this Part.

(2) The said section 49 is amended by adding thereto the ^{s. 49, amended} following clauses:

- (c) "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;
- (d) "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act* (Canada) or any successor thereto. ^{R.S.C. 1952, c. 209}

20. Section 52 of the said Act is repealed and the following ^{s. 52, re-enacted} substituted therefor:

52. Unless exempt by the regulations, no person shall ^{Licence required} sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under the authority of a licence issued by the Director that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred.

52a.—(1) Subject to subsection 2; the Director shall issue ^{Issuance of licence} a licence under section 52 to any person who applies in accordance with this Act and the regulations for a licence and who meets the requirements of this Act and the regulations and who pays the prescribed fee.

(2) The Director may refuse to issue or renew a licence ^{Revocation and refusal of licence} or suspend or revoke a licence where, in the opinion of the Director,

- (a) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations;
- (b) the applicant or licensee is in contravention of this Act or the regulations; or
- (c) the licensee is in breach of any term or condition of the licence.

- Expiration of licence (3) A licence expires with the 31st day of December next following the date on which it is issued or renewed.
- Not transferable (4) A licence is not transferable.
- Exemption 52*b*. Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant or licensee from any provision of the regulations relating to this Part and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, and may alter or revoke the terms and conditions, as the Director considers necessary.
- Emergency order 52*c*. Notwithstanding subsection 2 of section 79, where the Director is of the opinion that it is necessary for,
- (a) the immediate protection of the safety or health of any person;
 - (b) the protection of the quality of the natural environment for any use that can be made of it; or
 - (c) the prevention of injury or damage to property or to plant or animal life,
- the Director, by notice to a licensee with written reasons therefor, may refuse to renew, suspend or revoke the licence of the licensee effective upon the giving of the notice.

s. 55,
amended

21. Section 55 of the said Act is amended by inserting after "regulations" in the second line "or any term or condition of a licence".

Part VII,
heading,
re-enacted

22. The heading to Part VII of the said Act is repealed and the following substituted therefor:

SEWAGE SYSTEMS

ss. 56-59,
re-enacted

23. Sections 56, 57, 58 and 59 of the said Act are repealed and the following substituted therefor:

Interpre-
tation

56. In this Part,

- (a) "Director" means the Director of the branch of the Ministry designated by the Minister for the purpose of this Part;

- (b) "Executive Director" means the Executive Director, Water Supply and Pollution Control Division of the Ministry;
- (c) "sewage system" means,
- (i) a cesspool, a septic tank system, a leaching pit, a leaching bed, a privy, a privy-vault, a holding tank other than a holding tank to which regulations made under clause *n* or *o* of subsection 1 of section 62 of *The Ontario Water Resources Act* apply, a toilet other than a toilet to which regulations made under clause *f* of subsection 1 of section 62 of *The Ontario Water Resources Act* apply and any other sewage works referred to in clause *a* or *c* of subsection 6 of section 42 of *The Ontario Water Resources Act* or any part of any of them, or
 - (ii) works, installations, equipment and operations for the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage as designated in the regulations, and includes any land used in connection therewith, but does not include plumbing as defined in the regulations under *The Ontario Water Resources Act*.
- 56a. Notwithstanding any provision of *The Ontario Water Resources Act*, a sewage system that is subject to the provisions of *The Ontario Water Resources Act*. ^{Exception}
- 56b. Where the Executive Director is absent for any reason, the Director may carry out any of the duties and exercise any of the powers of the Executive Director under this Part. ^{When Director may act in place of Executive Director}
57. No person shall construct, install, establish, enlarge, extend or alter, ^{Prohibition}
- (a) any building or structure in connection with which a sewage system will be used if the use of the building or structure so constructed, installed, established, enlarged, extended or altered will or is likely to affect the operation or effectiveness of the sewage system; or

(b) any sewage system,

unless a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of the sewage system has first been issued by the Director.

Application

58. An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of any work to be undertaken upon issuance of the certificate of approval and such other information as the Director may require and, subject to section 59, the Director may issue a certificate of approval.

Powers of
Director

59. The Director may,

(a) refuse to issue;

(b) suspend or revoke; or

(c) impose, alter or revoke terms and conditions in,

a certificate of approval where,

(d) the sewage system or the proposed establishment, construction, operation, installation, enlargement, extension or alteration of the sewage system does not comply with the provisions of this Act or the regulations; or

(e) he considers, upon probable grounds, that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it.

Permit

59a.—(1) No person shall use or operate a sewage system or any part thereof that has been constructed, installed, established, enlarged, extended or altered after the date this Part comes into force in an area to which this Part is made applicable unless a permit for its use or operation has been issued by the Director and, subject to subsection 3, the Director may issue a permit.

Inspection

(2) Every person who has constructed, installed, established, enlarged, extended or altered a sewage system or any part thereof shall, until a permit under subsection 1 is issued, keep open for inspection or make available for inspection by a provincial

officer the sewage system or the part thereof that was constructed, installed, established, enlarged, extended or altered.

- (3) The Director shall not issue a permit under subsection 1 where the construction, installation, establishment, enlargement, extension or alteration of the sewage system or part thereof does not comply with a certificate of approval issued therefor under section 57 or contravenes a provision of this Act or the regulations or, where a certificate of approval required under section 57 has not been issued, he considers, upon probable grounds, that the use or operation of the sewage system or part thereof may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person until the construction, installation, establishment, enlargement, extension or alteration is inspected by a provincial officer and altered as the Director may require in order that the sewage system or part thereof will not, in the opinion of the Director, create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person.
- Where permit not to be issued

24. Subsection 1 of section 60 of the said Act is repealed and the following substituted therefor:

s. 60 (1), re-enacted

- (1) Where any person,
- Where Executive Director may make order
- (a) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and a certificate of approval required under section 57 has not been issued;
- (b) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and does not comply with any of the terms and conditions in a certificate of approval issued under section 57 in respect thereof;
- (c) does not construct, operate, clean, empty, disinfect or maintain a sewage system in compliance with the standards prescribed in the regulations; or
- (d) uses or operates a sewage system for which a permit required under section 59a has not been issued,

the Executive Director may make such order as he considers necessary in order to lessen or prevent the deposit, addition, emission or discharge of any contaminant into the natural environment.

s. 61,
re-enacted

25. Section 61 of the said Act is repealed and the following substituted therefor:

Where
licence
required

61.—(1) No person shall engage in the business of,

- (a) constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems; or
- (b) storing, hauling or disposing of sewage from a sewage system,

without having first obtained a licence issued by the Director.

Application
for licence

(2) Subject to subsection 3, an applicant for a licence who,

- (a) pays the prescribed fee; and
- (b) meets the requirements of the regulations,

is entitled to be issued such licence by the Director.

Powers of
Director

(3) The Director may,

- (a) refuse to issue or renew a licence; or
- (b) suspend or revoke a licence,

where the licensee is in contravention of this Act or the regulations or the licensee is in breach of any term or condition of the licence or, where the Director is of the opinion that,

- (c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the business that would be or is authorized by the licence;
- (d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be or is authorized by the licence will not be carried on in accordance with law;

- (e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or
 - (f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations.
- (4) The Director may impose, alter or revoke terms and ^{Idem} conditions in a licence in order,
- (a) to restrict the area in which a licensee may operate; and
 - (b) to control the method or place or both of storing, hauling, collecting, transferring and disposing of sewage from a sewage system.
- (5) A licence expires twelve months after the date of ^{Expiration of licence} its issue or renewal.
- (6) A licence is not transferable. ^{Not transferable}

26. Section 62 of the said Act is amended by striking ^{s. 62, amended} “of the Director made” in the fourth and fifth lines and inserting in lieu thereof “or fails to comply with any term or condition of a certificate of approval or licence issued”.

27. The said Act is amended by adding thereto the following ^{s. 77a, enacted} section:

77a. In this Part, “Director” means such Directors or ^{Interpretation} Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

28.—(1) Clause *a* of subsection 2 of section 78 of the said ^{s. 78 (2) (a), amended} Act is amended by inserting after “issue” in the first line “or renew”.

(2) Clause *c* of subsection 2 of the said section 78 is ^{s. 78 (2) (c), amended} amended by inserting after “of” in the first line “a certificate of approval, provisional certificate of approval”.

s. 79 (2),
amended

29. Subsection 2 of section 79 of the said Act is amended by inserting after “No” in the first line “imposition or alteration of terms and conditions, suspension or revocation, refusal to renew or” and by inserting after “order” where it occurs the second time in the first line “and a refusal to renew, suspension or revocation under section 52c”.

s. 91,
re-enacted

30. Section 91 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

91. In this Part, “Director” means such Directors or Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

s. 94 (1) (j),
repealed

31.—(1) Clause *j* of subsection 1 of section 94 of the said Act is repealed.

s. 94 (4) (c),
amended

(2) Clause *c* of subsection 4 of the said section 94 is amended by striking out “prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto” in the fourth, fifth, sixth and seventh lines.

s. 94 (4),
amended

(3) Subsection 4 of the said section 94 is amended by adding thereto the following clause:

(j) prescribing the rates of the fees for the disposal of any type of waste in a well that is a waste disposal site that shall be paid into The Waste Well Disposal Security Fund.

s. 94 (5) (a),
re-enacted

(4) Clause *a* of subsection 5 of the said section 94 is repealed and the following substituted therefor:

(a) prescribing classes of licences and the qualifications and requirements therefor, exempting any class of persons, or the holder of any class of licence from any provision of Part VI or any regulation made under this subsection, and prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers are or will be made that shall attach to any such class of licence and prescribing terms and conditions attaching to any such exemption.

s. 94 (5) (j),
amended

(5) Clause *j* of subsection 5 of the said section 94 is amended by striking out “substances used for extermination” in the second line and inserting in lieu thereof “pesticides”.

(6) Clause *k* of subsection 5 of the said section 94 is amended <sup>s. 94 (5) (*k*),
amended</sup> by striking out “classifying and designating substances used for extermination, and” in the first and second lines and by striking out “such substances or any of them” in the third and fourth lines and inserting in lieu thereof “pesticides”.

(7) Clauses *l* and *m* of subsection 5 of the said section 94 are <sup>s. 94 (5) (*l*, *m*),
repealed</sup> repealed.

(8) Clause *n* of subsection 5 of the said section 94 is amended <sup>s. 94 (5) (*n*),
amended</sup> by striking out “substances used for extermination” in the first and second lines and inserting in lieu thereof “pesticides” and by striking out “substances” in the third line and inserting in lieu thereof “pesticides”.

(9) Clause *o* of subsection 5 of the said section 94 is <sup>s. 94 (5) (*o*),
amended</sup> amended by striking out “substance used for extermination” in the first and second lines and inserting in lieu thereof “pesticide”.

(10) Subsection 5 of the said section 94 is amended by adding <sup>s. 94 (5),
amended</sup> thereto the following clauses:

- (*q*) classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;
- (*r*) exempting any organism, substance or thing or any class thereof from Part VI or any regulation made under this subsection, or any provision thereof;
- (*s*) respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred.

(11) Subsection 6 of the said section 94 is amended by <sup>s. 94 (6),
amended</sup> striking out “private sewage disposal” wherever it occurs and inserting in lieu thereof in each instance “sewage”.

(12) Clause *d* of subsection 6 of the said section 94 is <sup>s. 94 (6) (*d*),
re-enacted</sup> repealed and the following substituted therefor:

- (*d*) prescribing fees for certificates of approval and permits for the use or operation of sewage systems or any class or classes thereof.

(13) Clause *e* of subsection 7 of the said section 94 is <sup>s. 94 (7) (*e*),
amended</sup> amended by inserting after “classifying” in the first line “containers, packaging and”.

s. 102 (1),
amended

32. Subsection 1 of section 102 of the said Act is amended by striking out “made” in the fourth line and inserting in lieu thereof “or any term or condition of a certificate of approval or a licence made or issued”.

s. 103,
amended

33. Section 103 of the said Act is amended by striking out “in Council” in the second line.

Commence-
ment

34.—(1) This Act, except sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

35. This Act may be cited as *The Environmental Protection Amendment Act, 1972*.

CHAPTER 107

An Act to amend The Small Claims Courts Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 31 of *The Small Claims Courts Act*, being chapter ^{s. 31,} 439 of the Revised Statutes of Ontario, 1970, is repealed. ^{repealed}

2. Section 74 of the said Act is repealed and the following ^{s. 74,} substituted therefor: ^{re-enacted}

74. Where the amount of the claim is \$100 or more, the service shall be personal and, where the amount is less than \$100, the service shall be on the defendant, his wife or servant, or on a grown-up person in the defendant's usual place of residence or business. ^{Method of service of claim}

3. Subsection 5 of section 88 of the said Act is amended by ^{s. 88 (5),} inserting after "court" in the fifth line "or by affidavit". ^{amended}

4.—(1) Subsection 2 of section 116 of the said Act is ^{s. 116 (2),} amended by striking out "or to a bailiff of any other court in the county" in the third line. ^{amended}

(2) Subsection 3 of the said section 116 is repealed and the ^{s. 116 (3),} following substituted therefor: ^{re-enacted}

(3) The bailiff of a small claims court has jurisdiction in the territorial jurisdiction of his own court to enforce execution and levy by distress and sale of the goods and chattels of the debtor the amount of any judgment and costs and to carry out all other process and proceedings to enforce payment of the judgment. ^{Jurisdiction of bailiff}

5. Section 119 of the said Act is repealed and the following ^{s. 119,} substituted therefor: ^{re-enacted}

119. Except in actions brought under section 65, an execution or attachment shall not be executed out of the ^{Extent of writs of execution}

limits of the territorial jurisdiction of the court out of which it is issued.

s. 126 (6),
re-enacted

6. Subsection 6 of section 126 of the said Act is repealed and the following substituted therefor:

Duration
and renewal
of writ

(6) The writ, if unexecuted, remains in force for six years only from its issue, unless renewed, but may be renewed from time to time in the prescribed manner by the clerk at the instance of the execution creditor for six years from the date of the renewal.

s. 195 (1),
amended

7. Subsection 1 of section 195 of the said Act is amended by adding thereto the following clause:

(aa) designating small claims courts where clerks, bailiffs and other employees necessary for the operation of the courts may be appointed under *The Public Service Act* and the provisions of this Act and the regulations respecting the retention of fees do not apply to persons so appointed.

R.S.O. 1970,
c. 386

Commence-
ment

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1972.

Short title

9. This Act may be cited as *The Small Claims Courts Amendment Act, 1972*.

CHAPTER 108

An Act to amend The Public Officers' Fees Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Officers' Fees Act*, being ^{s. 7,} chapter 383 of the Revised Statutes of Ontario, 1970, is ^{repealed} repealed.

2. This Act shall be deemed to have come into force on ^{Commence-} the 1st day of January, 1972. ^{ment}

3. This Act may be cited as *The Public Officers' Fees* ^{Short title} *Amendment Act, 1972.*

CHAPTER 109

An Act to amend The Child Welfare Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 14, re-enacted}

- 14.—(1) Where the erection, purchase or other acquisition ^{Capital grants} of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount equal to 25 per cent, or such higher percentage as the regulations prescribe, of the cost to the municipality or society of the building computed in accordance with the regulations.
- (2) Where the erection of a new building or an addition ^{Idem} to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or addition computed in accordance with the regulations, but not exceeding an amount based on the bed capacity of the new building or the addition at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.
- (3) Where the acquisition of an existing building by a ^{Idem} society for the provision of facilities and services to

meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition computed in accordance with the regulations, but not exceeding an amount based on the bed capacity of the acquired building at the rate of \$1,200 per bed or such greater amount per bed as the regulations prescribe.

Times and
manner of
payment

- (4) An amount payable to a children's aid society or a municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

s. 20 (1) (e),
re-enacted

2. Clause *e* of subsection 1 of section 20 of the said Act is repealed and the following substituted therefor:

- (e) "parent" means a person who is under a legal duty to provide for a child, or a guardian or a person standing *in loco parentis* to a child, other than a person appointed for the purpose under this Act, but where a child is born out of wedlock means the mother of the child and,

- (i) a person who is under a legal duty to provide for the child pursuant to an order of a court of competent jurisdiction or pursuant to a written agreement, or

- (ii) a person who, having acknowledged a parental relationship to the child, has provided or cared for the child.

s. 22 (1) (b),
amended

3. Clause *b* of subsection 1 of section 22 of the said Act is amended by striking out "or is being unlawfully concealed or harboured" in the second and third lines.

s. 25,
amended

4.—(1) Section 25 of the said Act is amended by adding thereto the following subsection:

Judge may
dispense
with service
of notice

- (4a) Where the child is the child of an unmarried mother and where in the opinion of the judge it is in the best interest of the child, the judge may dispense with service of the notice required under subsection 4 on any person described in subclause ii of clause *e* of subsection 1 of section 20.

(2) The said section 25 is further amended by adding ^{s. 25, amended} thereto the following subsection:

- (11) The provisions of this section apply *mutatis mutandis* ^{Application} to proceedings under subsection 5 of section 27, section 31 and subsection 1 of section 32.

5.—(1) Section 35 of the said Act is repealed and the ^{s. 35, re-enacted} following substituted therefor:

35. Every wardship terminates upon the marriage of ^{Termination of wardship} the ward or when the ward attains the age of eighteen years, but where the wardship terminates as a result of a Crown ward attaining the age of eighteen years, a society may, with the approval of the Director, continue to provide care and maintenance for the former Crown ward if the ward,

(a) is enrolled as a full-time student at an educational institution; or

(b) is mentally or physically incapacitated,

for any period of time after the termination of the wardship that does not extend beyond the date when the former ward attains the age of twenty-one years.

(2) Every order of Crown wardship in respect of a child ^{Certain Crown wardship orders terminated} who is over the age of eighteen years on the day that this section comes into force is hereby terminated.

6.—(1) Clause *b* of subsection 1 of section 59 of the said ^{s. 59 (1) (b), amended} Act is amended by inserting after “years” in the third line “or where he is in full-time attendance at an educational institution, until the child attains eighteen years of age”.

(2) Subsection 2 of the said section 59 is amended by ^{s. 59 (2), amended} inserting after “years” in the fourth line “or where he is in full-time attendance at an educational institution, until the child attains eighteen years of age”.

7. Section 89 of the said Act is amended by adding ^{s. 89, amended} thereto the following clauses:

- (ja) prescribing the manner of computing the costs to municipalities and to societies for the purposes of section 14;

(j*b*) prescribing a higher percentage for the purposes of subsection 1 of section 14, and a greater amount per bed for the purposes of subsections 2 and 3 of section 14.

Commence-
ment

8.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Child Welfare Amendment Act, 1972*.

CHAPTER 110

**An Act to amend
The Ontario Municipal Board Act**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Ontario Municipal Board Act*, being^{s. 15,} chapter 323 of the Revised Statutes of Ontario, 1970, is^{re-enacted} repealed and the following substituted therefor:

15. The chairman may in writing authorize one member of the Board to hear and determine any application to the Board and for such purpose such member may exercise all the jurisdiction and powers of the Board and his decision on the application shall be a decision of the Board.^{One member may hear and determine application}

2. Section 99 of the said Act is repealed and the following^{s. 99,} substituted therefor:^{re-enacted}

99.—(1) The Board may, with the approval of the Lieutenant Governor in Council, make regulations requiring fees to be paid to the Board in connection with its proceedings and prescribing the amounts thereof.^{Fees}

(2) The Board may from time to time waive or remit in appropriate circumstances all or any portion of such fees.^{Where fees may be waived or remitted}

3. This Act comes into force on the day it receives^{Commence-} Royal Assent.^{ment}

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1972*.^{Short title}

CHAPTER 111

An Act respecting the Assessment Review Court

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Court" means the Assessment Review Court;

(b) "municipality" means a city, town, village or township.

2. The Assessment Review Court is hereby continued.

Assessment
Review Court
continued

3. The Court shall be composed of a chairman and such number of vice-chairmen and other members as the Lieutenant Governor in Council considers advisable, all of whom shall be appointed by the Lieutenant Governor in Council.

Composition

4.—(1) *The Public Service Act*, except sections 4 and 6, applies to the members of the Court who are employed on a full-time basis.

Application
of R.S.O. 1970,
c. 386

(2) *The Public Service Superannuation Act* applies to the members of the Court who are employed on a full-time basis.

Application
of R.S.O. 1970,
c. 387

5. One member of the Court constitutes a quorum and is sufficient for the exercise of all of the jurisdiction and powers of the Court.

Quorum

6. The chairman or a vice-chairman shall from time to time assign the members of the Court to its various sittings and may change any such assignments at any time and the chairman or a vice-chairman may from time to time direct any officer or other member of the staff of the Court to attend any of the sittings of the Court and may prescribe his duties.

Assignment
of members
and staff
for sittings

Oath of
members of
Court

7. Every member of the Court before entering upon his duties shall take and subscribe the following oath (or affirmation in cases where, by law, affirmation is allowed):

"I,.....do solemnly swear (or affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Assessment Review Court that may be brought before me for trial as a member of the Court."

Sittings of
Court

8. The Court may hold sittings at any place in Ontario and in more than one place at the same time.

Rules

9. Subject to the approval of the Lieutenant Governor in Council, the Court shall make rules governing its practice and procedure and the exercise of its powers.

Meetings
of Court

10. The Court shall meet and may adjourn from time to time in every municipality in which there is an appeal in respect of any assessment in such municipality to hear and try all complaints in respect of which any person may appeal to the Court under *The Assessment Act* or any other Act.

R.S.O. 1970,
c. 32

Registrar,
regional
registrars

R.S.O. 1970,
c. 386

11.—(1) A Registrar of the Court and such regional registrars and other officers and employees as are considered necessary shall be appointed under *The Public Service Act*.

Acting
regional
registrars

(2) In the absence for any reason of any regional registrar, the Attorney General may appoint an acting regional registrar who, while so acting, has all the powers and duties of a regional registrar.

Clerk of
Court

12. Each regional registrar shall designate a person as clerk of the Court for each hearing of the Court in his region and the person so designated shall keep a record of the proceedings and decisions of the Court, which shall be certified by a member of the Court who heard the appeal and when so certified shall be forwarded forthwith to the regional registrar.

Accommoda-
tion for Court

13. Where sittings of the Court are to be held in a municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the Court.

Repeal

14. Sections 50 and 51 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, are repealed.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Assessment Review Court Act, 1972*.

CHAPTER 112

An Act to amend The Jurors Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is amended by striking out "a coroner" in the first line. s. 1 (e),
amended
2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor: s. 2,
re-enacted
 2. Subject to section 44, and unless exempted or disqualified, every person in the possession of his or her natural faculties and not infirm or decrepit, who is resident in a county or district and whose name is entered on the last revised polling list prepared under *The Municipal Elections Act, 1972* of electors for the election of members of the council of a municipality in the county or district or of a school board in territory without municipal organization, is qualified and liable to serve as a juror on grand and petit juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county or district. Eligible
jurors

1972, c. 95
3. Section 4 of the said Act is repealed. s. 4,
repealed
- 4.—(1) Subsection 7 of section 44 of the said Act is repealed. s. 44 (7),
repealed
 - (2) Subsection 8 of the said section 44 is amended by striking out "voters' list" in the third line and inserting in lieu thereof "polling list". s. 44 (8),
amended
5. Subsection 1 of section 46 of the said Act is amended by inserting after "district" in the fourth line "and lock-ups established for the county or district". s. 46 (1),
amended

ss. 51a, 51b,
enacted

6. The said Act is amended by adding thereto the following sections:

Division of
Supreme
Court panel

51a. Where a judge of the Supreme Court considers it necessary, he may direct that the petit jurors summoned for a sitting of the Supreme Court be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

Division of
county court
panel

51b. Where the judge of a county court considers it necessary, he may direct that the petit jurors summoned for jury sittings of the county court or the court of general sessions of the peace, or both, be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

s. 90 (1),
amended

7.—(1) Subsection 1 of section 90 of the said Act is amended by striking out “or coroner” in the third line and by striking out “coroner” in the fifth line.

s. 90 (2),
amended

(2) Subsection 2 of the said section 90 is amended by striking out “coroner” in the first line.

Commence-
ment

8.—(1) This Act, except sections 1 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Jurors Amendment Act, 1972*.

CHAPTER 113

**An Act to amend The Apprenticeship
and Tradesmen's Qualification Act***Assented to June 30th, 1972**Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Apprenticeship and Tradesmen's Qualification Act*, ^{s. 17a, enacted} being chapter 24 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

17a. A statement as to the issuing or non-issuing of a ^{Certificate of Director as evidence} certificate, approval or licence, or the renewal, revocation or suspension of a certificate or licence, or as to the registration or non-registration of a contract of apprenticeship purporting to be certified by the Director is, without proof of the appointment or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Amendment Act, 1972*. ^{Short title}

CHAPTER 114

An Act to amend The Ministry of Colleges and Universities Act, 1971

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ministry of Colleges and Universities Act, 1971*, being chapter 66, is amended by adding thereto the following subsection: s. 6,
amended

- (11) Any provision in a collective agreement that is in conflict with a provision of a regulation made under subsection 7 as it affects the employees of a bargaining unit covered by the collective agreement prevails over the provision of the regulation. Where
collective
agreement in
conflict with
regulation

2. The said Act is amended by renumbering section 6a, as enacted by the Statutes of Ontario, 1972, chapter 1, section 12, as section 6b and by adding thereto the following section: s. 6a,
renumbered;
s. 6a,
enacted

6a.—(1) In this section,

Interpre-
tation

- (a) “employee” means a person employed by a board of governors of a college of applied arts and technology but does not include,

- (i) a person employed in a managerial or confidential capacity,
- (ii) a person who is a member of the architectural, dental, engineering, legal or medical profession, entitled to practise in Ontario and employed in a professional capacity,
- (iii) a person who is employed on a casual or temporary basis unless he has been so employed continuously for a period of six months, or more, or

(iv) a person engaged and employed outside Ontario;

(b) "employer" means the Crown in right of Ontario.

Application
of 1972, c. 67

(2) Except where inconsistent with this section, the provisions of *The Crown Employees Collective Bargaining Act, 1972* apply *mutatis mutandis* to the employer, to all boards of governors of colleges of applied arts and technology and to all employees as if such provisions were enacted in and formed part of this section.

Employer
representa-
tive

(3) The employer shall be represented in the case of boards of governors of colleges of applied arts and technology by one or more persons appointed by the Ontario Council of Regents for Colleges of Applied Arts and Technology.

s. 6c,
enacted

3. The said Act is amended by adding thereto the following section:

Regulations

6c. Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) prescribing the terms and conditions under which awards or grants provided out of the moneys appropriated by the Legislature may be made to students enrolled in post-secondary institutions, prescribing the amounts of such awards and the methods of calculation thereof and the persons eligible therefor, defining the types, classes and subclasses of awards and grants, fixing the maximum amount that may be awarded or granted to any applicant and authorizing the Minister to determine the amount, up to the maximum that may be awarded or granted, to an applicant;

(b) providing for the recovery of all or any of the moneys awarded or granted to any student enrolled or purporting to be enrolled in a post-secondary institution who was not eligible for the award or grant or who fails to comply with any of the terms and conditions under which such moneys were awarded or granted;

(c) providing for the apportionment and distribution of moneys appropriated or raised by the

Legislature for university, college and other post-secondary educational purposes;

- (d) prescribing the conditions governing the payment of legislative grants;
- (e) defining "enrolment" and "student" for the purpose of legislative grants to post-secondary educational institutions recognized by the Minister for the purpose of such grants, and requiring that "enrolment" be subject to the approval of the Minister;
- (f) prescribing forms and providing for their use.

4.—(1) This Act, except sections 1 and 2, comes into ^{Commence-}force on the day it receives Royal Assent. ^{ment}

(2) Sections 1 and 2 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.

5. This Act may be cited as *The Ministry of Colleges and Universities Amendment Act, 1972*. ^{Short title}

CHAPTER 115

**An Act respecting
the Town of Kincardine**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the Town of Kincardine;
- (b) "Location Plan" means the plan of survey of part of Saugeen Street in the Town of Kincardine in the County of Bruce and the public lands lying westerly thereof, prepared by C. M. McKay, Ontario Land Surveyor, dated the 19th day of August, 1971, and of record in the Ministry of Natural Resources in Toronto;
- (c) "Plan 4" means the plan of subdivision recorded in the registry office on the 29th day of August, 1856, and indexed as No. 4;
- (d) "Plan 270" means the plan of subdivision registered in the registry office as No. 270;
- (e) "Plan 315" means the plan of subdivision registered in the registry office as No. 315;
- (f) "registry office" means the Registry Office for the Registry Division of Bruce.

2. The Location Plan shall be deposited in the registry office and upon such deposit the lands shown as Parts 1 to 15, both inclusive, thereon are designated as Location 1233 and the Location Plan supersedes Plan 315 and the portion of Plan 270 included in the Location Plan.

3. A copy of this Act, certified by the Clerk of the Legislature, shall be registered in the registry office.

Registration
of a copy of
this Act

Streets
closed

4. Upon deposit of the Location Plan in the registry office the part of,

- (a) the original road allowance;
- (b) Saugeen Street shown on Plan 4;
- (c) Saugeen Street shown on Plan 270; and
- (d) Saugeen Street shown on Plan 315,

included in the Location Plan are stopped up and closed.

Ownership
of Parts
on Plan

5. Upon deposit of the Location Plan in the registry office, the lands designated on the Plan,

- (a) as Parts 1, 3, 5, 7, 9 and 12 are vested in the Corporation;
- (b) as Parts 2, 4, 6, 8, 13 and 14 are vested in the Corporation and are public highways;
- (c) as Parts 10 and 11 are vested in the Corporation and are public walkways; and
- (d) as Part 15 are public lands within the meaning of *The Public Lands Act*.

R.S.O. 1970,
c. 380

Sales to
tenants, etc.

6.—(1) Forthwith after the deposit of the Location Plan in the registry office, the Corporation shall register a plan of subdivision of the Parts mentioned in clause *a* of section 5 and offer to sell at such prices and subject to such terms and conditions as the council of the Corporation determines, but including a time for acceptance of sixty days, to a lessee or the heirs, executors or assigns of a lessee of the Corporation, the part or parts thereof more or less occupied by such person or persons, as the case may be, under a lease granted by the Corporation.

R.S.O. 1970,
c. 349, s. 33,
not applicable

(2) Section 33 of *The Planning Act* does not apply in respect of the plan of subdivision required by subsection 1 to be registered by the Corporation.

Sales to
other
persons

(3) Subject to subsection 4, where a person to whom land is offered for sale under subsection 1 fails to accept the offer within sixty days or accepts the offer and fails within one year thereafter to complete the purchase, the Corporation may sell the land to any person at such price and subject to such terms and conditions as the council of the Corporation determines.

(4) The Corporation shall not sell land under subsection 3 at a lower price or with more favourable conditions than those offered to a person under subsection 1 without first offering that person the first right of refusal to purchase at the lower price or with the more favourable conditions. ^{Restriction on subsequent sales}

(5) The Corporation has authority hereunder to make grants in fee simple of the land sold under this section. ^{Power to convey}

7. The Corporation is responsible for settling the claims of any person who establishes that his right, title or interest is affected by this Act or anything done under the authority of this Act, and shall bear the cost thereof. ^{Claims}

8. Section 2 of *An Act respecting the Town of Kincardine*, ^{1907 Act, amended} being chapter 72 of the Statutes of Ontario, 1907, is repealed.

9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

10. This Act may be cited as *The Town of Kincardine Act*, ^{Short title} 1972.

CHAPTER 116

An Act to amend The Mining Act

Assented to June 30th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 12 of section 1 of *The Mining Act*, being ^{s. 1, par. 12, amended} chapter 274 of the Revised Statutes of Ontario, 1970, is amended by striking out “miner’s” in the second line and inserting in lieu thereof “prospector’s”.

(2) Paragraph 22 of the said section 1 is amended by ^{s. 1, par. 22, amended} striking out “85” in the fourth line.

2.—(1) Subsection 1 of section 24 of the said Act is amended ^{s. 24 (1), amended} by striking out “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

(2) Subsection 2 of the said section 24 is amended by ^{s. 24 (2), amended} striking out “miner’s” in the third line and inserting in lieu thereof “prospector’s”.

3. Subsection 1 of section 25 of the said Act is amended ^{s. 25 (1), amended} by striking out “miner’s” in the second line and inserting in lieu thereof “prospector’s”.

4. Section 26 of the said Act is amended by striking out ^{s. 26, amended} “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

5. Section 27 of the said Act is amended by striking out ^{s. 27, amended} “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

6. Subsection 1 of section 29 of the said Act is amended by ^{s. 29 (1), amended} striking out “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

7. Subsection 1 of section 30 of the said Act is amended by ^{s. 30 (1), amended} striking out “miner’s” in the second line and inserting in lieu thereof “prospector’s”.

s. 33,
repealed

8. Section 33 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed.

s. 35,
amended

9. Section 35 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

Heading,
s. 46,
repealed

10. The heading immediately preceding section 46 of the said Act and the said section 46 are repealed.

s. 52 (1, 2),
re-enacted,
s. 52 (3),
repealed

11.—(1) Subsections 1, 2 and 3 of section 52 of the said Act are repealed and the following substituted therefor:

Rates for
licences of
occupation

(1) Notwithstanding the provisions of a licence of occupation, a minimum annual rental of \$1 an acre but not less than \$5 a year, payable in advance, shall be paid for the licence of occupation.

When annual
rental to be
paid

(2) Where a licence of occupation does not specify a date for the payment of the annual rental, the annual rental shall be paid on the anniversary of the effective date of the licence.

s. 52,
amended

(2) The said section 52 is amended by adding thereto the following subsections:

Lease
may be
issued under
s. 104

(7) The holder of a licence of occupation, upon application in writing therefor and upon the surrender of his licence of occupation, may be issued a lease under section 104 and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section.

Application

(8) This section applies only to a licence of occupation issued under section 52 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, and any licence of occupation heretofore issued without a provision for an annual payment.

s. 53,
repealed

12. Section 53 of the said Act is repealed.

s. 55 (2, 3),
repealed

13. Subsections 2 and 3 of section 55 of the said Act are repealed.

s. 56 (6),
repealed

14. Subsection 6 of section 56 of the said Act is repealed.

s. 66,
amended

15. Section 66 of the said Act is amended by adding thereto the following subsection:

- (1a) Notwithstanding clause *d* of subsection 1, where a ^{Idem} plan of survey has not been filed, the recorder may issue a certificate of record if he is satisfied that clauses *a*, *b*, *c* and *e* of subsection 1 have been complied with and upon payment of a fee at the rate of \$25 a claim.

16. Subsection 12 of section 85 of the said Act is repealed ^{s. 85 (12), re-enacted} and the following substituted therefor:

- (12) Notwithstanding subsection 6, if the work is diamond ^{Increase of work assignment} drilling and the length of the drill hole is greater than 4,000 feet, the maximum number of days work permitted under that subsection to be performed on a claim for application on other claims is increased by,

(a) one and one-half days for each foot of boring that is more than 4,000 feet and not more than 5,000 feet, and

(b) two days for each foot of boring that is more than 5,000 feet.

17.—(1) Clause *c* of subsection 5 of section 86 of the said ^{s. 86 (5) (c), repealed} Act is repealed.

(2) Subsection 15 of the said section 86 is repealed and the ^{s. 86 (15), re-enacted} following substituted therefor:

- (15) Subsection 6 of section 85 does not apply to geo- ^{Certain work excepted from s. 85 (6)} logical, geochemical and geophysical work, but for the purposes of this Act, in the application to record the work credits for such work performed on two or more claims, the recorded holder of the mining claims shall identify the claims on which the work was performed and the total number of work credits claimed and shall apply to record such number in equal parts to each of the claims and the recorder shall record the work credits accordingly and in no other way.

- (15a) In approving work credits applied for under sub- ^{Application of work credits by Minister} section 15, the Minister may apply the approved work credits to the claims in such manner as he determines.

(3) Subsection 18 of the said section 86, as re-enacted by the ^{s. 86 (18), re-enacted} Statutes of Ontario, 1971, chapter 102, section 3, is repealed and the following substituted therefor:

- (18) Beneficiation studies, analyses, assays, microscopic ^{Beneficiation studies, etc., to count as work} studies and other types of exploration or development

work not otherwise provided for in this Act may be counted as work at a rate not exceeding one day's work for each \$15 expended, but not more than sixty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless satisfactory reports, maps and proof of expenditures in duplicate satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

s. 86,
amended

(4) The said section 86, as amended by the Statutes of Ontario, 1971, chapter 102, section 3, is further amended by adding thereto the following subsection:

Extensions

(21) Notwithstanding subsections 9, 10, 11, 12 and 18 and section 87, the Minister may allow an extension of the time required to file thereunder reports and plans with the Minister for any time not exceeding sixty days.

s. 103,
repealed

18. Section 103 of the said Act is repealed.

s. 104 (14),
amended

19. Subsection 14 of section 104 of the said Act is amended by striking out "or leasing until reopened by the Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*".

s. 104a,
enacted

20. The said Act is amended by adding thereto the following section:

Interpre-
tation

104a.—(1) In this section, "lease" means a lease of surface and mining rights or of mining rights issued under section 47, 52 or 100 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, and includes a renewal of such a lease.

Rate

(2) Subject to subsection 3, notwithstanding the provisions of a lease, the annual rental for a lease is \$1 an acre, but the minimum annual rental shall be \$10 and shall be payable in advance.

Application

(3) Subsection 2 does not affect the rental payable under a lease for the balance of the term in effect on the day this section comes into force.

Renewal
of lease

(4) A lease is renewable in perpetuity for periods of ten years and every renewal shall date from the day

following the expiry of the lease if application therefor is made within ninety days of the expiration of the lease or within such further period as the Minister, in the circumstances of the case, considers proper.

- (5) Where payment of the rental under a lease is in arrears for two years or more, the lease may be terminated by an instrument in writing. Termination of lease for arrears of rent
- (6) Where a lease has not been renewed under subsection 4 or has been terminated under subsection 5, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators, successors and assigns shall be deemed to have ceased and determined, and the land included in such lease is revested in the Crown, freed and discharged from every claim. Notice of termination of lease
- (7) Upon registration of the notice under subsection 5 in the land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the master of titles or the registrar shall note that fact in his register in red ink. R.S.O. 1970, cc. 234, 409 not to apply to forfeited lands
- (8) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*. Lands vested in Crown on termination of lease
- (9) The holder of a lease, upon application in writing therefor and upon the surrender of his lease, may be issued a lease under section 104 for a term of twenty-one years, and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section. Lessee may be issued lease under s. 104

21. Subsection 6 of section 106 of the said Act is amended by striking out "8" in the first line and inserting in lieu thereof "9". s. 106 (6), amended

s. 122 (3),
amended

22. Subsection 3 of section 122 of the said Act is amended by striking out “miner’s” in the sixth line and inserting in lieu thereof “prospector’s”.

s. 628 (1) (f),
amended

23. Clause *j* of subsection 1 of section 628 of the said Act is amended by striking out “miner’s” in the second line and inserting in lieu thereof “prospector’s”.

s. 636,
amended

24. Section 636 of the said Act is amended by striking out “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

Schedule,
item 1,
re-enacted

25.—(1) Item 1 of the Schedule to the said Act is repealed and the following substituted therefor:

1. For a prospector’s licence or renewal thereof
for an individual. (See sections 25, 28) \$ 5.00

Schedule,
item 2,
amended

(2) Item 2 of the said Schedule is amended by striking out “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

Schedule,
item 7,
amended

(3) Item 7 of the said Schedule is amended by striking out “sections 63, 648” and inserting in lieu thereof “section 65”.

Schedule,
item 8,
amended

(4) Item 8 of the said Schedule is amended by striking out “sections 66, 648” and inserting in lieu thereof “section 66”.

Schedule,
item 9,
amended

(5) Item 9 of the said Schedule is amended by striking out “sections 85, 648” in the first and second lines and inserting in lieu thereof “section 85”.

Schedule,
item 10,
amended

(6) Item 10 of the said Schedule is amended by striking out “sections 146, 648” and inserting in lieu thereof “section 146”.

Schedule,
item 11,
amended

(7) Item 11 of the said Schedule is amended by striking out “sections 164, 648” in the first and second lines and inserting in lieu thereof “section 164”.

Schedule,
item 14,
re-enacted

(8) Item 14 of the said Schedule is repealed and the following substituted therefor:

14. For a substituted prospector’s licence. (See
section 29) \$ 1.00

Schedule,
item 18,
amended

(9) Item 18 of the said Schedule is amended by striking out “sections 84, 648” in the second line and inserting in lieu thereof “section 84”.

(10) Item 19 of the said Schedule is amended by striking out ^{Schedule.} “sections 84, 648” in the second and third lines and inserting ^{item 19,} amended in lieu thereof “section 84”.

26.—(1) This Act, except subsection 2 of section 1 and ^{Commence-} sections 11, 12, 13 and 21, comes into force on the day it ^{ment} receives Royal Assent.

(2) Subsection 2 of section 1 and sections 11, 12, 13 and 21 ^{Idem} shall be deemed to have come into force on the 1st day of September, 1971.

27. This Act may be cited as *The Mining Amendment Act*, ^{Short title} 1972.

CHAPTER 117

An Act to incorporate the City of Timmins-Porcupine

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means the municipality or corporation of the City of Timmins-Porcupine, as constituted by section 2.
- (b) "merged area" means any area so designated by the Minister for the purposes of this Act;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2. On the 1st day of January, 1973, The Corporation of the Town of Timmins, The Corporation of the Township of Mountjoy, The Corporation of the Township of Tisdale and The Corporation of the Township of Whitney are amalgamated as a city municipality bearing the name of The Corporation of the City of Timmins-Porcupine and the geographic townships of Adams, Blackstock, Bristol, Carman, Carscallen, Cody, Denton, Deloro, Eldorado, Evelyn, German, Godfrey, Gowan, Hoyle, Jamieson, Jessop, Kidd, Langmuir, Loveland, Macdiarmid, Macklem, Matheson, Murphy, Ogden, Price, Robb, Shaw, Thomas, Thorneloe, Turnbull, and Wark, and the portion of the Town of Iroquois Falls, described as follows, are annexed to such city:

Incorporation of
City

COMMENCING at a point in the southwest angle of the Town of Iroquois Falls, the said point being the southwest angle of the geographic township of Dundonald;

THENCE easterly along the south boundary of the said Township of Dundonald to the westerly bank of the Frederick House Lake;

THENCE continuing easterly along the south boundary of the Township of Dundonald to a point half way across the waters of Frederick House Lake;

THENCE northwesterly and northerly along the middle of Frederick House Lake to the middle of the head waters of the Frederick House River;

THENCE northerly along the middle of the main channel of the Frederick House River to the north boundary of the Township of Dundonald;

THENCE westerly along the north boundary of the geographic township of Dundonald to the northwest angle of the said Township, the said angle being on the westerly boundary of the Town of Iroquois Falls;

THENCE southerly along the westerly boundary of the Town of Iroquois Falls to the point of commencement.

Council,
composition

3.—(1) The council of the City shall consist of a mayor and fourteen aldermen.

Term of
office

(2) The first council of the City shall hold office until the 1st day of January, 1975, and each succeeding council shall hold office for a two-year term.

First
election

(3) The Minister shall by order provide for the holding of the elections in the year 1972 for members of the council of the City, including polling day, which shall be the 2nd day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

Wards

(4) For the purpose of the election to be held in the year 1972 and in the year 1974, the Minister may by order divide the City into wards and make provision for the election of members of council in relation to such wards, in the manner prescribed in the order.

Referendum
re name
of City

(5) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,

(a) confirm the name of the City as set out in section 2; or

(b) declare the names that the City, and the public library board established under section 10 shall bear,

and where a declaration is made under clause *b*, all references to the bodies mentioned in clause *b* shall be deemed to refer to the names of such bodies as designated in the declaration.

(6) In the event that a General Election is called for the election of members to the Parliament of Canada on the 2nd day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 3 and make all other necessary amendments for the incorporation of the City of Timmins-Porcupine and the matters consequent upon the holding of the election including the date for the election of school boards in the City. Power of Minister to change election date

4. The mayor shall be elected by a general vote of the electors of the City. Election of mayor

5. For the year 1972, it shall not be necessary for The Corporation of the Town of Timmins, The Corporation of the Township of Tisdale, The Corporation of the Township of Mountjoy, and The Corporation of the Township of Whitney to provide for an election under *The Municipal Elections Act, 1972*. 1972, c. 95 not to apply for purposes of 1972 election

6.—(1) The council of the City may, by by-law, appoint a general administrative head, who, General administrative head

(a) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the council; and

(d) shall receive such salary as the council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a general administrative head appointed under subsection 1. Application of R.S.O. 1970, c. 284, s. 238

7. The City shall not have a board of control.

No board of control

Recreation
and com-
munity
centres
boards
dissolved

8.—(1) The Timmins Community Centres Board of Management, The Mountjoy Community Centre and Recreation Board and The Tisdale Community Centres Board are hereby dissolved on the 31st day of December, 1972, and the council of the City, on and after that date, shall act in the place and stead of such boards, and all the assets and liabilities of such boards shall become, on that date, assets and liabilities of the City without compensation.

Council to
be recreation
committee
and com-
munity
centres
board

(2) The council of the City shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1970,
cc. 120, 73

Prohibition
re establish-
ment of
boards

(3) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 74 of section 352 of *The Municipal Act* shall be established by the City.

R.S.O. 1970,
c. 284

No utility
commission
to be
established

9.—(1) The council of the City shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

R.S.O. 1970,
c. 390, s. 64
not
applicable

(2) Notwithstanding section 64 of *The Public Utilities Act*, the council of the City shall not entrust the control and management of a bus transportation system to a commission.

Public
library
board

10.—(1) A public library board for the City to be known as "The Timmins-Porcupine Public Library Board" is hereby established on the 1st day of January, 1973, and shall be deemed to have been established under Part I of *The Public Libraries Act*, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1973.

R.S.O. 1970,
c. 381

Library
boards
dissolved

(2) The public library boards of the Town of Timmins, the Township of Whitney and the Township of Tisdale are hereby dissolved on the 1st day of January, 1973, and all their assets and liabilities become, on that date, assets and liabilities of The Timmins-Porcupine Public Library Board, without compensation.

Joint
planning
area
dissolved

11.—(1) The Porcupine Planning Area and all subsidiary planning areas that are included in the Porcupine Planning Area, together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

City
constituted
planning area

(2) The City is constituted a single, independent planning area on the 1st day of January, 1973 and the council thereof

shall have all the powers and duties of a planning board, but sections 3, 4, 6, 8 and 9 of *The Planning Act* do not apply to the council. R.S.O. 1970,
c. 349

(3) Notwithstanding subsection 1, the official plans in effect in the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall continue in effect until altered or repealed by the council of the City under *The Planning Act*. Official
plans in
effect

(4) The council of the City may appoint such planning committees and staff as it considers necessary. Committees
and staff

(5) All committees of adjustment heretofore constituted by the councils of the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney are hereby dissolved on the 31st day of December, 1972 and the council of the City shall forthwith after the 1st day of January, 1973 pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*. Committees
of
adjustment

12. After the 30th day of June in the year 1972, the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall not, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. Disposal
of assets

13. In sections 14 and 16,

Interpre-
tation

(a) "commercial assessment" means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of

R.S.O. 1970,
c. 32

lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*,

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1970,
c. 284

14.—(1) The council of the City shall levy as provided in this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act* together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

Equalization
of
assessment

(2) The Ministry of Revenue shall revise and equalize each part of the last revised assessment roll of the City that relates to a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

Notification

(3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the City of the revised and equalized assessment of each merged area.

Levy on
commercial
assessment

(4) The amount to be raised by the City in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1970,
c. 293

Apportion-
ment among
merged areas

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of the City in the following manner:

1. The amount, as ascertained in accordance with subsection 4 to be raised by the City in each year by

levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

(7) The council of the City shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

(8) The council of the City shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

(9) The provisions of this section shall cease to apply on a date to be determined by order of the Minister.

15.—(1) Notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, the council of the City may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(2) Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation therein are to be levied, the council, notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the esti-

mates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under
section 14 to
be reduced

(3) The amount of any levy under subsection 1 or 2 shall be deducted from the amount of the levy made under section 14.

Application
of
R.S.O. 1970,
c. 284, s. 303,
subs. 4

(4) Subsection 4 of section 303 of *The Municipal Act* applies to levies under this section.

R.S.O. 1970,
c. 284, s. 303,
not to apply

(5) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 9 of section 14.

Rates under
R.S.O. 1970,
c. 430

16.—(1) For the purposes of setting rates and the levying of sums of money for rates and taxes under *The Separate Schools Act*, the merged areas of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment

R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the

total commercial assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

(5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Rates for secondary school purposes on residential assessment
R.S.O. 1970, c. 424

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 9 of section 14.

Application of section

17.—(1) In this section,

Interpretation

(a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(b) “urban service” means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection and removal of ashes or garbage or other refuse, or
- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

(2) The council of the City may, with approval of the Ontario Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the City.

Area of urban service

Levy in
areas

(3) The aggregate amount of the sums necessary in each area to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

Transitional
adjustments

18. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the City shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances
to be made
in estimates
of City in
1973

R.S.O. 1970,
c. 284

19. For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the City for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the City.

Interpre-
tation

20.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31st,
1972 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality or of a local roads board or statute labour board at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Apportion-
ment

(3) Where a local board has been supported by two or more municipalities, the audited surplus or operating deficit at the 31st day of December, 1972, shall be apportioned among the supporting municipalities in the same manner as the contributions made by each municipality to the board in the year 1972.

Assets and
liabilities
vested in
City

21. All the assets and liabilities of the Town of Timmins and the townships of Tisdale, Mountjoy and Whitney become assets and liabilities of the City on the 1st day of January, 1973, without compensation.

22.—(1) Every statute labour board that has jurisdiction in the City is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City.

Statute
labour
boards
dissolved

(2) Where an established local roads area is entirely within the City such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City.

Local roads
boards
dissolved

(3) Where part of an established local roads area is within the City such part is removed from the local roads area on the 1st day of January, 1973.

Removal of
part of
local roads
area

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the City which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the City, and the collector of the City shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the City, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the City.

Taxes and
penalties

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the City.

Credits of
local roads
boards

R.S.O. 1970,
c. 256

(6) Where a local roads area established under *The Local Roads Boards Act* is annexed to the City, the local roads area shall be deemed to be a rural municipality for the purposes of *The Municipal Subsidies Adjustment Act*.

Local roads
areas
deemed rural
municipalities
under
R.S.O. 1970,
cc. 256, 291

23. The City may enter into an agreement with the Land Tax Collector appointed under *The Provincial Land Tax Act* respecting the collection by the City of arrears of land tax in respect of property within the City.

Agreements
re collection
of tax arrears
under
R.S.O. 1970,
c. 370

24.—(1) The members of the council of the City elected in the year 1972 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.

Organization
committee

Expenses
of first
election

(2) The expenses of the local municipalities for the elections of the council of the City in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Expenditures

(3) The expenditures of the City during the year 1972, as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Offer of
employment

25.—(1) The council of the City shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972, by the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, or any local board thereof dissolved under this Act.

Idem

(2) The Timmins-Porcupine Public Library Board shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972, by The Public Library Board of the Town of Timmins or of the Township of Tisdale or of the Township of Whitney.

Guarantee
of salary

(3) Any person who accepts employment under subsection 1 or 2 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1972, irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1973.

Sick leave
credits

(4) Any sick leave credits standing on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 1 or 2 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(5) Any person who accepts employment under subsection 1 or 2 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board mentioned in subsection 1 or 2 by which he was formerly employed.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323, 284

26. For the purposes of every Act, the amalgamations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force, pursuant to applications made under section 14 of *The Municipal Act* and subject to the provisions of this Act, the Ontario Municipal Board, upon

the application of the City or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

27. The by-laws of the Town of Timmins and the by-laws of the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall remain in force in the areas of the former municipalities until repealed or amended by the council of the City.

By-laws
remain in
force

28. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, and all of the geographic townships mentioned in section 2, apply to the City.

Application
of special
Acts

29. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Conflict
with other
Acts

30. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

Conditional
powers

31. For the purposes of *The Public Transportation and Highway Improvement Act*, the City is deemed to be a town municipality.

Deemed town
municipality
under
R.S.O. 1970,
c. 201

32. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Timmins Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Timmins District Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, 1972, in the year 1972,

Elections
R.S.O. 1970,
cc. 362, 368
1972, c. 95

- (a) the polling day for the members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the City;

- (b) the Minister shall, by order, provide for the nomination of candidates for The Timmins Board of Education and for The Timmins District Roman Catholic Separate School Board and may by order, provide for any other matters necessary to hold the elections for such boards;
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the Minister shall by order divide the City into areas and provide for the election of one or more members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board in each such area or combination of such areas.

Speed limits
under
R.S.O. 1970,
c. 202

33.—(1) Notwithstanding the other provisions of this Act, but subject to subsection 2, for the purposes of section 82 of *The Highway Traffic Act* the areas in the City that, on the 31st day of December, 1972, form part of a town or township municipality or territory without municipal organization shall be considered to continue to form part of a town or township municipality or territory without municipal organization.

Idem

(2) Notwithstanding subsection 1, the council of the City may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Commence-
ment

34. This Act comes into force on the day it receives Royal Assent.

Short title

35. This Act may be cited as *The City of Timmins-Porcupine Act, 1972*.

CHAPTER 118

An Act to amend The Planning Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Planning Act*, ^{s. 4 (1), amended} being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by striking out “or of a local board” in the twelfth line and inserting in lieu thereof “within or partly within the planning area or of a local board of any such municipality”.

(2) Subsection 3 of the said section 4 is repealed. ^{s. 4 (3), repealed}

(3) Subsection 5 of the said section 4 is amended by striking ^{s. 4 (5), amended} out “subject to subsection 3” in the third and fourth lines.

2. Subsection 2 of section 13 of the said Act is repealed and ^{s. 13 (2), re-enacted} the following substituted therefor:

(2) The council of the designated municipality may, by ^{Adoption of plan} by-law, adopt the plan as submitted or adopt it with such amendments thereto as the council considers appropriate.

3. Subsection 5 of section 29 of the said Act is amended by ^{s. 29 (5), amended} adding at the end thereof “provided that the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection 10 have been complied with, subsection 4 thereupon applies to the lands affected by the repeal or amendment”.

4.—(1) Subsection 5 of section 32 of the said Act is amended ^{s. 32 (5), amended} by striking out “the order” in the third line and inserting in lieu thereof “an order made under clause *b* of subsection 1”.

(2) The said section 32 is amended by adding thereto the ^{s. 32, amended} following subsection:

Idem

(5a) The Minister shall cause a duplicate or certified copy of an order made under clause *a* of subsection 1,

(a) where the land affected is situate in a municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 2 of section 216 of *The Municipal Act* apply *mutatis mutandis*; and

R.S.O. 1970,
c. 284

(b) where the land affected is situate in territory without municipal organization, to be registered in the proper registry or land titles office.

s. 33 (5) (a),
re-enacted

5.—(1) Clause *a* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for park purposes or, if the land is not in a municipality, shall be dedicated for park purposes.

s. 33 (8),
amended

(2) Subsection 8 of the said section 33 is amended by striking out “public purposes other than highways” in the second line and inserting in lieu thereof “park purposes”.

s. 33 (9),
re-enacted

(3) Subsection 9 of the said section 33 is repealed and the following substituted therefor:

Use and
sale of
land

(9) Land conveyed to a municipality under subsection 5 shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister.

s. 33 (11),
amended

(4) Subsection 11 of the said section 33 is amended by striking out “held and used by the municipality” in the sixth and seventh lines and in the eighth and ninth lines and inserting in lieu thereof in each instance “used”, so that the subsection shall read as follows:

Special
account

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds

in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park purposes or, with the approval of the Minister, for the acquisition of land to be used for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1970,
c. 470

6.—(1) Section 35 of the said Act is amended by adding ^{s. 35, amended} thereto the following subsection:

- (1a) The authority to regulate provided in paragraph 4 of subsection 1 includes and, notwithstanding the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law.

Minimum
area and
density
provisions

(2) Subsection 1 does not affect the rights acquired by any ^{Saving} person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation commenced on or before the 23rd day of June, 1972.

7. Section 36 of the said Act is repealed and the following ^{s. 36, re-enacted} substituted therefor:

36.—(1) In this section,

Interpre-
tation

- (a) “committee” means a property standards committee established under this section;
- (b) “occupant” means any person or persons over the age of eighteen years in possession of the property;
- (c) “officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) “owner” includes the person for the time being managing or receiving the rent of the land

or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

- (e) “property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) “repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law passed under this section.

Adoption
of policy
statement

- (2) Where there is no official plan in effect in a municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement, containing provisions relating to property conditions.

Standards of
maintenance
and
occupancy

- (3) If,
 - (a) an official plan that includes provisions relating to property conditions is in effect in a municipality; or
 - (b) the council of a municipality has adopted a policy statement as mentioned in subsection 2,the council of the municipality may pass a by-law,
 - (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;
 - (d) for requiring property that does not conform to the standards to be repaired and maintained

to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

- (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.
- (4) When a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property. Inspection
- (5) An officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. Entry into dwelling place
R.S.O. 1970,
c. 450
- (6) If, after inspection, the officer is satisfied that, in some respect, the property does not conform to the standards prescribed in the by-law he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice. Notice of violation
- (7) After affording any person served with a notice provided for by subsection 6 an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing, Contents of order
 - (a) the municipal address or the legal description of such property;
 - (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry

out the repair or clearance at the expense of the owner; and

(c) the final date for giving notice of appeal from the order.

Order to be sent to last known address

(8) A notice or an order under subsection 6 or 7, when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

Substituted service

(9) If the officer is unable to effect service under subsection 6 or 7, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Registration of notice

(10) An order under subsection 7 may be registered in the proper registry or land titles office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under subsection 7 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

Property standards committee

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such number of ratepayers in the municipality, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Member and employees of municipality, etc., not eligible

(12) A member of the council of the municipality or an employee of the municipality or of a local board thereof is not eligible to be a member of a committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.

Chairman

(13) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore* and shall make provision for a secretary

for the committee, and any member of the committee may administer oaths.

- (14) The members of the committee shall be paid such compensation as the council may provide. Remuneration
- (15) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents. Filing of documents, etc.
R.S.O. 1970, c. 284
- (16) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection 18 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice. Quorum and procedure
- (17) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed. Appeal to committee
- (18) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained. Decision on appeal
- (19) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection 18 may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and, Appeal to judge
- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it

shall be served upon such persons and in such manner as he prescribes;

- (b) the appointment shall be served in the manner prescribed; and
- (c) the judge on such appeal has the same powers and functions as the committee.

Effect of
decisions

- (20) The order, as deemed to have been confirmed pursuant to subsection 17, or as confirmed or modified by the committee pursuant to subsection 18, or, in the event of an appeal to the judge pursuant to subsection 19, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Power of
corporation
to repair
or demolish

- (21) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,
 - (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
 - (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

Certificate of
compliance

- (22) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection 3, and the council of a municipality may prescribe a fee payable for such a certificate, where it is issued at the request of the owner.

Enforcement

- (23) A by-law passed under the authority of this section may impose a penalty of not more than \$500 upon an owner for each day that he is in contravention of an order that is final and binding.

s. 37 (1),
amended

8.—(1) Subsection 1 of section 37 of the said Act is amended by striking out “3” in the fifth line and inserting in lieu thereof “6”.

(2) Subsection 2 of the said section 37 is amended by striking out "not exceeding five years" in the fifth line. s. 37 (2), amended

9. Subsection 1 of section 41 of the said Act is amended by striking out "or part" in the fourth line. s. 41 (1), amended

10.—(1) Subsection 13 of section 42 of the said Act is repealed and the following substituted therefor: s. 42 (13), re-enacted

(13) The applicant, the Minister or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee notice of appeal accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board, within twenty-one days after the sending of the notice under subsection 11. Appeal R.S.O. 1970, c. 323

(13a) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection 13 shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 13 to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Municipal Board. Idem

(2) Subsection 14 of the said section 42 is amended by striking out "fourteen" in the first line and inserting in lieu thereof "twenty-one". s. 42 (14), amended

11. The said Act is amended by adding thereto the following section: s. 44a, enacted

44a. When under this Act the Minister pursuant to the request of any person has referred a matter to the Municipal Board the matter, on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Municipal Board, may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board. Resumption by Minister of matter referred to O.M.B.

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Planning Amendment Act, 1972*. Short title

CHAPTER 119

An Act to amend The Ontario Human Rights Code

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being ^{Preamble, amended} chapter 318 of the Revised Statutes of Ontario, 1970, is amended by inserting after "colour" in the eighth line "sex, marital status".

2. Subsection 1 of section 1 of the said Act is amended ^{s. 1 (1), amended} by inserting after "colour" in the sixth line "sex, marital status".

3.—(1) Section 2 of the said Act is amended by inserting ^{s. 2, amended} after "colour" in the tenth line "sex, marital status".

(2) The said section 2 is further amended by adding thereto ^{s. 2, amended} the following subsection:

(2) Subsection 1 does not apply to prevent the barring of ^{Exception} any person because of the sex of such person from any accommodation, services or facilities upon the ground of public decency.

4. Section 3 of the said Act is repealed and the following ^{s. 3, re-enacted} substituted therefor:

3.—(1) No person, directly or indirectly, alone or with ^{Discrimination} another, by himself or by the interposition of another, ^{prohibited re} shall, ^{occupancy of commercial units or housing accom-}

(a) deny to any person or class of persons occupancy of any commercial unit or any housing accommodation; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any housing accommodation,

because of race, creed, colour, sex, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

Exception

- (2) Subsection 1 does not apply to housing accommodation where the occupancy of all the housing accommodation in a building except that of the owner or his family is restricted to individuals who are of the same sex.

s. 4.
re-enacted

5. Section 4 of the said Act is repealed and the following substituted therefor:

Employers
not to
discriminate
in employ-
ment
practices

4.—(1) No person shall,

- (a) refuse to refer or to recruit any person for employment;
- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee;
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship;
- (e) establish or maintain any employment classification or category that by its description or operation excludes any person from employment or continued employment;
- (f) maintain separate lines of progression for advancement in employment or separate seniority lists where the maintenance will adversely affect any employee; or
- (g) discriminate against any employee with regard to any term or condition of employment,

because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin of such person or employee.

Discrimina-
tory
advertising

- (2) No employer shall publish, display, circulate or broadcast or cause or permit to be published, displayed, circulated or broadcast any words, symbol or other representation that indicate directly or indirectly that race, creed, colour, age, sex, marital status,

nationality, ancestry or place of origin is or may be a limitation, specification or preference for a position or employment.

- (3) No person shall publish, display, circulate or broadcast or cause or permit to be published, displayed, circulated or broadcast any advertisement for a position or employment for or on behalf of an employer, ^{Idem}
- (a) that contains any words, symbol or other representation; or
 - (b) that is under a classification or heading,
- indicating directly or indirectly that race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is or may be a limitation, specification or preference for the position or employment.
- (4) No person shall use or circulate any form of application for employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to race, creed, colour, nationality, ancestry or place of origin of any person or that requires an applicant for employment to furnish any information concerning race, creed, colour, nationality, ancestry or place of origin. ^{Application for employment}
- (5) No employment agency shall discriminate against any person because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf. ^{Employment agencies}
- (6) The provisions of this section relating to any discrimination, limitation, specification or preference for a position or employment based on sex or marital status do not apply where sex or marital status is a *bona fide* occupational qualification and requirement for the position or employment. ^{Exception}
- (7) The provisions of this section relating to limitation or preference in employment because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin do not apply to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit, or to any organization that is operated pri- ^{Exception}

marily to foster the welfare of a religious or ethnic group and that is not operated for private profit where in any such case race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is a *bona fide* occupational qualification and requirement.

Domestic (8) This section does not apply to a domestic employed or to be employed in a single family residence.

s. 4a,
enacted

6. The said Act is amended by adding thereto the following section:

Membership
in trade
union

4a.—(1) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin.

Membership
in self-
governing
profession

(2) No self-governing profession shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, ancestry or place of origin.

s. 6a,
enacted

7. The said Act is further amended by adding thereto the following section:

Special
employment
programs

6a. Notwithstanding the provisions of this Part, the Commission may, upon conditions or limitations and subject to revocation or suspension, approve in writing any special plan or program by the Crown or any agency thereof or any person to increase the employment of members of a group or class of persons because of the race, creed, colour, age, sex, marital status, nationality or place of origin of the members of the group or class of persons.

s. 7a,
enacted

8. The said Act is further amended by adding thereto the following section:

Ontario
Women's
Bureau

R.S.O. 1970,
c. 501

7a. The Ontario Women's Bureau established under *The Women's Equal Employment Opportunity Act* is continued as a division of the Commission and shall exercise the powers of the Commission under this Act relating to any discrimination, limitation, specification or preference because of sex or marital status, but nothing in this section impairs the authority of the Commission to exercise such powers.

9. Sections 9 and 10 of the said Act are repealed and the following substituted therefor: ss. 9, 10,
re-enacted

9. The Commission shall administer this Act and, without limiting the generality of the foregoing, the Commission shall, Duties of
Commission

(a) forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;

(b) promote an understanding and acceptance of and compliance with this Act;

(c) develop and conduct research and educational programs designed to eliminate discriminatory practices related to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;

(d) investigate complaints in contravention of and enforce this Act.

10. A secretary and such other officers, clerks and servants of the Commission as are considered appropriate may be appointed under *The Public Service Act*, Staff
R.S.O. 1970,
c. 386

10. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, is amended by adding thereto the following subsection: s. 13,
amended

(3) Where the Commission has reason for believing that any person has contravened a provision of sections 1 to 4a in respect of a person or group of persons, the Commission may initiate a complaint. Complaints
initiated
by
Commission

11. Subsection 4 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, is repealed and the following substituted therefor: s. 14 (4),
re-enacted

(4) For the purposes of an inquiry under this Act, the Commission or a person designated by it may, Powers of
Commission

(a) require production of or examine employment applications, payrolls, records, documents, writings and papers or copies thereof in the possession of any person; and

(b) obtain information from or take extracts from or make copies of any items referred to in clause a,

- 1971, c. 49 and has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act.
- Obstruction of Commission (4a) No person shall hinder, obstruct, molest or interfere with the Commission or a person designated by the Commission or attempt to hinder, obstruct, molest or interfere with the Commission or a person designated by the Commission in the exercise of the power conferred by subsection 4.
- s. 15, amended **12.** Section 15 of the said Act is amended by striking out “\$500” in the fourth line and inserting in lieu thereof “\$1,000” and by striking out “\$2,000” in the seventh line and inserting in lieu thereof “\$5,000”.
- s. 17a, enacted **13.** The said Act is further amended by adding thereto the following section:
- Act subject to 1971, c. 43 R.S.O. 1970, cc. 147, 274 17a. Compliance with any provision for the protection or welfare of females contained in *The Industrial Safety Act, 1971*, *The Employment Standards Act* or *The Mining Act* shall not be deemed to be a contravention of this Act.
- s. 19, amended **14.—(1)** Section 19 of the said Act is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:
- (a) “age” means any age of forty years or more and less than sixty-five years.
- s. 19 (e), re-enacted (2) Clause *e* of the said section 19 is repealed and the following substituted therefor:
- (e) “housing accommodation” means any place of dwelling except a place of dwelling being part of a building in which the owner or his family reside and the occupant or occupants of the place of dwelling are required to share a bathroom or kitchen facility with the owner or his family.
- s. 19 (i), re-enacted (3) Clause *i* of the said section 19 is repealed and the following substituted therefor:
- (i) “trade union” means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national or international trade union and a certified council of trade unions.

15. The following are repealed:

Repeals

1. *The Women's Equal Employment Opportunity Act*, being chapter 501 of the Revised Statutes of Ontario, 1970.
2. *The Age Discrimination Act*, being chapter 7 of the Revised Statutes of Ontario, 1970.
3. Sections 2 and 90 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

16.—(1) Subject to subsection 2, this Act comes into force ^{Commence-} on the day it receives Royal Assent. _{ment}

(2) Clause *g* of subsection 1 of section 4 of *The Ontario* ^{Idem} *Human Rights Code*, as enacted by section 5 of this Act, does not apply to any *bona fide* superannuation or pension fund or plan or any *bona fide* insurance plan that provides life, accident, sickness or disability insurance or benefits that discriminate against an employee because of age, sex or marital status until a day to be named by the Lieutenant Governor by his proclamation.

17. This Act may be cited as *The Ontario Human Rights* ^{Short title} *Code Amendment Act, 1972*.

CHAPTER 120

**An Act to amend
The Employment Standards Act**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part:

Part II-A,
enacted

PART II-A

PREGNANCY LEAVE

- 13a.—(1) An employer shall not terminate the employ-^{Pregnancy leave}ment of an employee because of her pregnancy, but the employer, before or after the commencement of the period referred to in subsection 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.
- (2) Every employer shall, upon the request of an em-^{Idem}ployee and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant or cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery.
- (3) The employee shall not work and the employer shall^{Post-natal leave} not cause or permit her to work for at least six weeks after the date of delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient.

Preservation
of seniority,
etc.

- (4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave.

Production of
certificate

- (5) For the purposes of subsection 1, an employee shall produce, when so requested by the employer, the certificate referred to in subsection 2.

Application
of section,
employers

- (6) This section does not apply in respect of an employer unless he employs twenty-five or more employees.

Application
of section,
employees

- (7) This section does not apply in respect of an employer unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2.

Part binds
Crown

13*b*. This Part binds the Crown.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Employment Standards Amendment Act, 1972*.

CHAPTER 121

An Act to amend The Municipal Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph: s. 1, amended

20a. "regular election" means an election required to be held biennially under section 10 of *The Municipal Elections Act, 1972*, c. 95 1972, c. 95

2. Clause *h* of subsection 11 of section 14 of the said Act is amended by striking out "voters' lists" in the seventh line and inserting in lieu thereof "polling lists". s. 14 (11) (h), amended

3. Subsection 4 of section 17 of the said Act is repealed. s. 17 (4), repealed

4.—(1) Subsection 10 of section 24 of the said Act is amended by striking out "voters' list" in the first line and inserting in lieu thereof "polling list". s. 24 (10), amended

(2) Subsection 12 of the said section 24 is repealed and the following substituted therefor: s. 24 (12), re-enacted

(12) Except as provided in this section, the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officers and in the same manner as the elections of aldermen and councillors, and the provisions of *The Municipal Elections Act, 1972*, respecting the time and manner of holding elections apply *mutatis mutandis* to such election. Election to be as municipal election
1972, c. 95

(3) Subsection 16 of the said section 24 is repealed and the following substituted therefor: s. 24 (16), re-enacted

Returning
officer

- (16) The secretary-treasurer shall be the returning officer of the area and in the case of an equality of votes for candidates for any office as a result of a recount or final addition the successful candidate shall be determined by lot conducted by the secretary-treasurer.

s. 24 (20),
re-enacted

- (4) Subsection 20 of the said section 24 is repealed and the following substituted therefor:

Duty of
returning
officer at
close of poll

- (20) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and the returning officer of the area shall make up from the returns so received by him the total number of votes cast for each candidate and at noon on the Thursday following the day on which the polling is held publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid post a copy of such certificate to each candidate.

s. 28 (3),
re-enacted

- 5.** Subsection 3 of section 28 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (3) A by-law for the purposes mentioned in clause *b* or *c* of subsection 1 shall not be repealed until at least two regular elections have been held under it and a by-law under subsection 2 shall not be repealed until at least three regular elections have been held under it.

s. 30 (4),
re-enacted

- 6.** Subsection 4 of section 30 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (4) A by-law passed under section 29 or under subsection 2 or 3 of this section shall not be repealed until two regular elections have been held under it.

s. 32 (7),
re-enacted

- 7.** Subsection 7 of section 32 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (7) A by-law passed under subsection 6 shall not be repealed until at least two regular elections have been held under it.

s. 34 (2, 3),
re-enacted

- 8.** Subsections 2 and 3 of section 34 of the said Act are repealed and the following substituted therefor:

- (2) The number of municipal electors for a municipality shall be determined from the polling lists for an election in the municipality last revised and certified by the clerk under *The Municipal Elections Act, 1972*, but, in counting the names, the name of the same person shall not be counted more than once. Number of electors, how determined 1972, c. 95
- (3) It is the duty of the clerk of any such municipality having less than 10,000 municipal electors according to the polling lists last revised and certified by the clerk under *The Municipal Elections Act, 1972*, forthwith after revision of the lists to send by registered mail to the clerk of the county a certificate under his hand and the seal of the corporation, stating the total number of municipal electors for the municipality according to such lists who are to be counted under subsection 2 and to post up in his office a duplicate of such certificate. Certificate of clerk
- (3a) Where the right of a municipality in any county to a deputy reeve is contested, any municipal elector in the county may commence an action by writ of summons in the county court for the county for a declaration that the municipality is or is not entitled to a deputy reeve. Right to deputy reeve
- (3b) The provisions of sections 105 to 112 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis* to an action brought under this section. Application of 1972, c. 95

9. Section 35 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor: s. 35, re-enacted

QUALIFICATIONS OF MEMBER OF COUNCIL

35. Every person is qualified to hold office as a member of a council of a local municipality, Qualification of candidates
- (a) whose name is entered on the polling list of electors for election of members of the council; and
- (b) who is not disqualified by this or any other Act from holding such office.

10.—(1) Clause *f* of subsection 1 of section 36 of the said Act is repealed and the following substituted therefor: s. 36 (1) (f), re-enacted

- (f) a member of the Assembly or of the Senate or House of Commons of Canada.

s. 36 (1) (g),
amended

(2) Clause *g* of subsection 1 of the said section 36 is amended by striking out “the opening of the nomination meeting” in the ninth line and inserting in lieu thereof “the commencement of the period during which candidates may be nominated”.

s. 36 (1) (h),
amended

(3) Clause *h* of subsection 1 of the said section 36 is amended by striking out “the opening of the nomination meeting” in the seventh line and inserting in lieu thereof “the commencement of the period during which candidates may be nominated”.

s. 36 (1)
(*m, t, u, w*),
repealed

(4) Clauses *m, t, u* and *w* of subsection 1 of the said section 36 are repealed.

s. 36 (2, 5),
repealed

(5) Subsections 2 and 5 of the said section 36 are repealed.

ss. 38-46,
re-enacted,
ss. 47-183,
repealed

11. Part III, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, and Parts IV and V of the said Act are repealed and the following substituted therefor:

PART III

VACANCIES

Vacancies

38. The seat of a member of council becomes vacant if,

- (a) he becomes disqualified from holding the office of a member of council under section 36;
- (b) he has neglected or refused to accept office or to make the prescribed declarations within the prescribed time;
- (c) he absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;
- (d) he files his resignation with the clerk of the municipality as provided in subsection 6 of section 90 of *The Municipal Elections Act, 1972*, for the purpose of becoming a candidate for some other office;
- (e) he resigns from his office and his resignation is effective under section 40;
- (f) he is appointed to fill a vacancy in the office of mayor, reeve, deputy reeve or controller;
- (g) his office is declared vacant in any judicial proceedings; or

(h) he forfeits his office under this or any other Act.

39. No person may hold more than one office, election to which is governed by *The Municipal Elections Act, 1972*, whether in the same or in two or more municipalities and, if he is nominated for and his name appears on the ballots for more than one of such offices and he is elected to any of such offices, his election is void and the office is vacant. Holding more than one elective office prohibited 1972, c. 95
40. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and his resignation may not be accepted and is not effective if it would reduce the number of the members of the council to less than a quorum. Resignation of member with consent of council
- 41.—(1) The warden of a county may resign his office by notice in writing filed with the county clerk and his office then becomes vacant. Resignation of warden
- (2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy and, if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. Vacancy in office of warden, how filled
42. Where the seat of a member of a council becomes vacant under section 38, the council shall forthwith declare the seat to be vacant. Duty of council to declare seat vacant
- 43.—(1) Any elector entitled to vote at the election of members of a council may commence an action by writ in the county or district court in the county or district in which the municipality is situate for a declaration that the office of a member of such council has become vacant in accordance with this Act. Action for declaration that seat vacant
- (2) No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the council came to the knowledge of the person bringing such action. Time for bringing action
- (3) Where in an action under this section, the court finds that the office of a member of the council has become vacant, the court may order that the member be removed from office and declare that the office is vacant. Power of court

Application
of 1972, c. 95

- (4) The provisions of sections 105 to 112 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis* to an action brought under this section.

Joining of
claims

- (5) A claim in an action under this section may be joined with a claim in an action under section 104 of *The Municipal Elections Act, 1972*, and such claims may be heard and disposed of in the same action.

APPOINTMENTS TO VACANCIES

Filling
vacancy by
appointment

- 44.—(1) Subject to section 45, where a vacancy occurs in the office of a member of the council of a local municipality, the council at a meeting called for that purpose shall appoint a person who has consented to accept the office if he is appointed to fill the vacancy and,

(a) in the case of the office of councillor or alderman, such person is a person qualified to hold office as a member of the council; and

(b) in the case of the office of mayor, reeve, deputy reeve or controller, such person is a member of the council on the date of his appointment.

Where vote to
be taken by
clerk

- (2) If more than one person is nominated for appointment to fill a vacancy under this section, a vote of the members of council shall be taken by the clerk at a regular meeting or at a special meeting called for the purpose.

Majority vote
required

- (3) A person nominated under this section who receives the votes of more than one-half the number of all members of council shall fill the vacancy for which the vote by council was held.

Procedure
where no
majority vote
obtained

- (4) Where a candidate for appointment under this section receiving the greatest number of votes cast does not receive more than one-half the votes of all members of council, the candidate who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the clerk, and if necessary more than once, excluding in each successive vote the candidate who received the fewest number of votes in the preceding vote, until the candidate receiving the greatest number of votes has also received more than one-half the votes of the members of council present and voting.

- (5) Where the votes cast in a vote under this section are ^{Idem} equal for all the candidates,

(a) if there are three or more candidates nominated or remaining, the clerk shall by lot select one such candidate to be excluded from the subsequent voting; or

(b) if only two candidates remain the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the clerk.

- 45.—(1) Subject to subsection 3, where a vacancy occurs ^{Filling vacancy by election} in the office of a member of the council of a local municipality, the council may by by-law require an election to be held to fill the vacancy and where the council passes such a by-law the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act, 1972*, c. 95.

- (2) Subject to subsection 3, where a direction is given in ^{Idem} any judicial proceedings to hold an election to fill a vacancy on a council, the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act, 1972*.

- (3) Where a vacancy occurs in the office of a member of ^{Vacancy after March 31st of election year} the council of a local municipality after the 31st day of March of an election year as defined in *The Municipal Elections Act, 1972*, the vacancy shall not be filled by a new election as provided in subsection 1 or 2 but the council may fill such vacancy in accordance with the provisions of section 44.

46. A person appointed or elected to an office under ^{Term of office} section 44 or 45 shall hold office for the remainder of the term of the person whose place he is appointed or elected to fill.

12. Subsections 2, 3, 4 and 5 of section 235 of the said Act ^{s. 235 (2), re-enacted, s. 235 (3-5), repealed} are repealed and the following substituted therefor:

- (2) Every clerk, treasurer, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 21), but every such person ^{Municipal officers}

appointed to two or more municipal offices may make one declaration of office as to all of them.

ss. 262-265,
re-enacted,
ss. 266-279,
repealed

13. Sections 262 to 279 of the said Act are repealed and the following substituted therefor:

Publication
of by-law that
requires the
assent of the
electors

262.—(1) Where a by-law requires the assent or is submitted to obtain the opinion of the electors, a copy of the proposed by-law or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law or a correct statement of the question submitted, as the case may be, and in the case of a by-law, that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of two weeks after the result of the voting on the by-law has been declared.

Synopsis of
by-law may
be published

(2) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable and the amount to be raised annually for the payment of the debt and the interest or instalments, if the debt is to be paid by instalments.

Time of
publication

(3) The first publication of a proposed by-law or of a synopsis thereof or of a proposed question under subsection 1 or 2 shall be made not later than one month prior to the election at which the by-law or question is to be submitted for the assent or opinion of the electors.

Municipal
Board may
order submis-
sion of by-law
or question at
other than
regular
election

(4) The Municipal Board may upon application by a municipality order that a by-law or question be submitted to the electors at an election other than a regular election and, subject to such orders and directions as the Municipal Board may give with respect to such election, the provisions of section 90 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis*, as if such election were a new election.

1972, c. 95

By-laws,
questions, in
one notice

(5) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice.

Assent of
electors,
what deemed
to be

263. A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law.

264.—(1) Where the by-law is proposed to be passed by a county council it shall, subject to subsection 4 of section 262, be submitted, by the clerk of each town, not being a separated town, village and township within the county at the next regular election for the assent or opinion of the electors of each such municipality and the respective clerks shall upon expiry of the time for applying for a recount of the vote or, where there has been such an application, on the disposition of it by the judge, forthwith certify the result of the vote in his municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

Procedure in case of county by-law

(2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the total of the votes cast in all the local municipalities is in favour of the by-law.

When by-law deemed to have assent

265. Ballot papers for voting on a by-law shall be in such form as may be prescribed under *The Municipal Elections Act, 1972*.

Form of ballot 1972, c. 95

14.—(1) Subsection 3 of section 280 of the said Act is amended by striking out “scrutiny” in the third line and inserting in lieu thereof “recount”.

s. 280 (3), amended

(2) Subsection 4 of the said section 280 is amended by striking out “scrutiny” in the second line and inserting in lieu thereof “recount”.

s. 280 (4), amended

15. Paragraph 52 of subsection 1 of section 354 of the said Act is repealed.

s. 354 (1), par. 52, repealed

16. Section 472 of the said Act is repealed and the following substituted therefor:

s. 472, re-enacted

472.—(1) No person is qualified to be elected a trustee or to vote at the election thereof unless his name is entered on the polling list of electors for the office of member of council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or the owner or tenant of land situate in the village or the spouse of such owner or tenant.

Qualification, trustees and electors

(2) The first meeting of the trustees after the election shall be held at noon on the third Monday in January, or on some day thereafter at noon.

First meeting of trustees

17. Forms 1, 3 to 18, 22 and 24 to 27 of the said Act are repealed.

Forms, repealed

Commence-
ment

18. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

19. This Act may be cited as *The Municipal Amendment Act, 1972*.

CHAPTER 122

**An Act to amend
The Industrial Safety Act, 1971**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Industrial Safety Act, 1971*, being s. 1, amended chapter 43, is amended by adding thereto the following clause:

(*da*) “Director” means the inspector designated as Director of the Industrial Safety Branch of the Ministry of Labour under subsection 2 of section 6.

2. Subsection 2 of section 6 of the said Act is repealed ^{s. 6 (2), re-enacted} and the following substituted therefor:

(2) The Deputy Minister may designate one of the ^{Director of Industrial Safety} inspectors appointed under subsection 1 as the Director of the Industrial Safety Branch of the Ministry of Labour for purposes of the general administration of this Act and the regulations, including the supervision and direction of inspectors.

3. The said Act is amended by striking out “chief in-^{Act, amended}pector” wherever it occurs and inserting in lieu thereof in each instance “Director”.

4. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

5. This Act may be cited as *The Industrial Safety Amend-Short title
ment Act, 1972*.

CHAPTER 123

An Act to amend The Landlord and Tenant Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 84 of *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is amended by striking out “under the tenancy agreement” in the sixth line and inserting in lieu thereof “immediately preceding the termination of the tenancy”. s. 84 (1), amended

2. Subsection 2 of section 100 of the said Act is repealed. s. 100 (2), repealed

3.—(1) Section 106 of the said Act is repealed and the following substituted therefor: s. 106, re-enacted

106.—(1) A landlord may apply by originating notice of motion returnable before a judge of the county or district court of the county or district in which the premises are situate for an order for the payment of arrears of rent and compensation under section 105 and for an order declaring the tenancy terminated, or any of them. Application for possession and arrears of rent

(2) The originating notice shall be served on the tenant at least four clear days before the day for the return of the motion and it shall contain the following warning: Contents of notice

If you intend to dispute the claim for possession or the claim for rent or compensation due, you must appear before the County Court Clerk at the hour of o'clock in the noon on the day of at his office in the Court House at or file with him before the day of a notice of dispute in writing, setting out briefly the grounds upon which you dispute the landlord's claim. If you do

not appear or do not file a notice of dispute, the clerk of the court may sign an order directing that a writ of possession issue forthwith and judgment for the amount claimed.

Dispute

- (3) The tenant may dispute the landlord's claim by appearing on the return of the motion or by filing with the clerk of the court before the day for the return of the motion a statement in writing setting out briefly the grounds upon which he disputes the landlord's claim.

Payment to clerk of amounts in dispute

- (4) No dispute to a claim for arrears of rent or compensation under section 105 may be made by the tenant under subsection 3 on the grounds that the landlord is in breach of an express or implied covenant unless the tenant has first paid to the clerk of the court the amount of the rent and compensation claimed to be in arrears less,

- (a) amounts paid by the tenant for which he alleges he is entitled to set-off under clause *b* of subsection 3 of section 96, as substantiated by receipts filed; and

- (b) amounts of rent and compensation alleged by the tenant by his dispute to have been paid.

Default judgment

- (5) Where the claim of the landlord is not disputed, the clerk of the court may sign an order directing that a writ of possession issue or may give judgment for the amount claimed, or both, in accordance with the claim.

Setting aside default judgment

- (6) Where the clerk of the court signs an order or judgment under subsection 5, the tenant may, within four days after the service thereof, by motion, *ex parte*, apply to the judge to have the order or judgment set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Extension of time for motion to set aside

- (7) The judge may extend the time for bringing a motion under subsection 6 upon being satisfied that a proper case has been made for so doing.

Hearing

- (8) Where the claim of the landlord is disputed, the case may be set down for a hearing forthwith or at such time and place as the judge may appoint.

Order and judgment

- (9) After a hearing, the judge shall determine the landlord's claim and may make an order for a writ of

possession, and give judgment for the arrears of rent and compensation under section 105 found due, or any of them.

- (10) The judge may order that the enforcement of the writ of possession be postponed for a period not exceeding one week and such other relief as may be equitable in the circumstances. Postponement of writ of possession

106a.—(1) An appeal lies to the Supreme Court from a final order or judgment of a judge under this Part. Appeal

- (2) Where a payment of arrears of rent or compensation under section 105 has been made under subsection 4 of section 106 in respect of a grounds of dispute that is a subject of appeal, no notice of appeal may be filed by the tenant until any additional rent or compensation accruing to the date of the filing of the notice has been paid to the clerk of the county or district court and evidence of payments made under this subsection and subsection 4 of section 106 shall accompany the notice. Payment of rent

106b. The judge of the county or district court may, where the judgment or order has become final, on the application of the landlord or tenant, direct the clerk to pay moneys held by him under subsection 4 of section 106 and subsection 2 of section 106a to the person entitled thereto. Payment of rent out of court

(2) This section does not apply in respect of applications made under section 106 of *The Landlord and Tenant Act* before this section comes into force. Application of section R.S.O. 1970, c. 236

4.—(1) Subsection 1 of section 107 of the said Act is amended by striking out “or under Part III” in the fourth and fifth lines. s. 107 (1), amended

(2) The said section 107 is amended by adding thereto the following subsection: s. 107, amended

- (3) A landlord shall not withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement during the tenant’s occupation of the premises and until the date on which a writ of possession is executed. Withholding services

5. Subsection 1 of section 108 of the said Act is amended by inserting after “95” in the second line “104”. s. 108 (1), amended

s. 109 (1) (b),
re-enacted

6. Clause *b* of subsection 1 of section 109 of the said Act is repealed and the following substituted therefor:

(b) any notice or document required or permitted to be given to or served on a tenant by a landlord may be given or served by handing it to the tenant but, where the notice or document cannot be given or served by reason of the tenant's absence from his premises or by reason of his evading service, the notice or document may be given or served,

(i) by handing it to an apparently adult person on the tenant's premises,

(ii) by posting it up in a conspicuous place upon some part of the premises, or

(iii) by sending it by registered mail to the tenant at the address where he resides.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Landlord and Tenant Amendment Act, 1972*.

CHAPTER 124

An Act to amend The Municipal Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph: ^{s. 1, amended}

13a. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Subsection 1 of section 227 of the said Act is amended by adding at the end thereof "or under Part VIII of *The Municipality of Metropolitan Toronto Act*". ^{s. 227 (1), amended}

3. Section 239 of the said Act is amended by adding thereto the following subsection: ^{s. 239, amended}

(2a) A council may grant an annual retirement allowance payable weekly, monthly or otherwise to the surviving spouse of an employee who dies while in the employ of the municipality and who would have been eligible for a retirement allowance under this section had he retired on the day of his death, provided that the amount of such allowance shall not exceed one-half of the amount of the annual allowance that would otherwise have been payable to the employee and subsection 3 applies *mutatis mutandis*. ^{Idem}

4. The said Act is amended by adding thereto the following section: ^{s. 291a, enacted}

291a.—(1) Notwithstanding any other provisions of this Act, subject to the approval of the Ministry, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that a portion of the ^{Term debentures} ^{R.S.O. 1970, c. 293}

debentures to be issued thereunder shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts
to be
raised
annually

(2) In respect of the term debentures, the by-law shall provide for raising, by a special rate on all the rateable property in the municipality,

(a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Retirement
fund

(3) The retirement fund for the term debentures shall be administered in all respects in the same manner as a sinking fund established under section 291, and the provisions of subsections 3 to 9 of section 291 with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

s. 293 (3) (b),
amended

5. Clause *b* of subsection 3 of section 293 of the said Act is amended by striking out "72 or 74" in the second line and inserting in lieu thereof "72, 74 or 75".

s. 304a,
enacted

6. The said Act is further amended by adding thereto the following section:

Returns by
telegraph
and
telephone
companies

304a.—(1) Every telegraph and telephone company doing business in Ontario shall, on or before the 1st day of March in each year, transmit to the clerk of each local municipality in which the company does business, a statement in writing of the amount of the gross receipts of the company in such municipi-

pality for the next preceding year ending on the 31st day of December.

- (2) The council of every local municipality shall levy ^{Rate of tax} on each company from which a statement is received under subsection 1 an annual tax of an amount equal to 5 per cent of the total of the gross receipts of such company for the preceding year as returned under subsection 1.
- (3) Any tax levied under this section is collectable in the ^{How tax collectable} same manner as municipal taxes are collectable and is a special lien under section 511 on all of the lands of the company in the municipality.
- (4) The assessment of a municipality that levies a tax ^{Municipal assessment deemed increased} under this section shall be deemed for apportionment purposes, to be increased by an amount that would have produced the amount of the tax levied under this section by the taxation of real property, if such property were assessed for public school purposes, at the rate applicable to commercial and industrial property in the preceding year for all purposes.

7.—(1) Subsection 1 of section 306 of the said Act is ^{s. 306 (1), amended} amended by striking out “township” in the first line and in the fourth line and inserting in lieu thereof in each instance “local municipality”, and by striking out “as farmers” in the fourth line and inserting in lieu thereof “in respect of land assessed as farm land”.

(2) Subsection 2 of the said section 306 is amended by ^{s. 306 (2), amended} striking out “township” in the first line and inserting in lieu thereof “local municipality”.

(3) Subsection 6 of the said section 306 is amended by ^{s. 306 (6), amended} striking out “township treasurer” in the first line and inserting in lieu thereof “treasurer of the local municipality” and by striking out “township” in the fourth line and inserting in lieu thereof “local municipality”.

(4) Subsection 7 of the said section 306 is amended by ^{s. 306 (7), amended} striking out “township treasurer” in the first line and inserting in lieu thereof “treasurer of the local municipality” and by striking out “township” in the fourth line and in the seventh line and inserting in lieu thereof in each instance “local municipality”.

(5) Subsection 8 of the said section 306 is amended by ^{s. 306 (8), amended} striking out “township treasurer” in the first line and inserting

in lieu thereof “treasurer of the local municipality” and by striking out “township” in the fourth line and in the fifth line and inserting in lieu thereof in each instance “local municipality”.

s. 312,
re-enacted

8. Section 312 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

312.—(1) For the purposes of this section, “municipality” includes a metropolitan, regional or district municipality.

Investment
of moneys
not
immediately
required

(2) Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or in loans to a divisional board of education or to any other municipality made by way of promissory notes, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested.

R.S.O. 1970,
c. 254

s. 352,
amended

9.—(1) Section 352 of the said Act is amended by adding thereto the following paragraph:

Grants,

33a. For making grants,

to
Federation of
Agriculture

(a) to the Ontario Federation of Agriculture if a by-law under section 306 is not in force in the municipality; and

to farm
organizations

(b) to farm organizations or agricultural commodity groups.

s. 352,
amended

(2) The said section 352 is further amended by adding thereto the following paragraph:

Bicycle
stands on
sidewalks

62a. For placing or permitting any person, under such conditions as may be agreed upon, to place and

maintain bicycle stands upon a sidewalk or the untravelling portion of a highway under their jurisdiction.

(3) Paragraph 64 of the said section 352 is amended by inserting after "children" in the fourth line "and for increasing the amount of pensions for or in respect of retired employees or any class thereof and their widows and children". s. 352, par. 64, amended

(4) Clause *a* of paragraph 64 of the said section 352, as amended by the Statutes of Ontario, 1971, chapter 81, section 2, is further amended by adding thereto the following subclause: s. 352, par. 64, cl. a, amended

- (iii) "retired employee" means a person who was formerly an employee of a municipality or of a local board and to whom or in respect of whom a pension is being paid under an approved pension plan as defined in section 250 or under the Ontario Municipal Employees Retirement System.

10.—(1) Paragraph 58 of subsection 1 of section 354 of the said Act is amended by inserting after "building" in the first line and in the fourth line "fence or other structure". s. 354 (1), par. 58, amended

(2) Paragraphs 114 and 115 of subsection 1 of the said section 354 are repealed and the following substituted therefor: s. 354 (1), par. 114, re-enacted; s. 354 (1), par. 115, repealed

114. For regulating manufactures and trades that in the opinion of the council may prove to be or may cause nuisances of any kind, and, without restricting the generality of the foregoing, for prohibiting or regulating the erection or continuance of gas works, tanneries or distilleries or other manufactories or trades that, in the opinion of the council, may prove to be or may cause nuisances. Control of industrial nuisances

(3) Paragraph 126 of subsection 1 of the said section 354 is amended by striking out "three" in the eleventh line and inserting in lieu thereof "five". s. 354 (1), par. 126, amended

(4) Paragraph 132 of subsection 1 of the said section 354 is amended by striking out "since the 25th day of June, 1928", in the second and third lines and by striking out "was on the said date or at any time thereafter" in the sixth and seventh lines and inserting in lieu thereof "is". s. 354 (1), par. 132, amended

11. Subsection 6 of section 361 of the said Act is amended by adding at the end thereof "or nominees of corporations so assessed". s. 361 (6), amended

s. 376, par. 1,
re-enacted

12.—(1) Paragraph 1 of section 376 of the said Act is repealed and the following substituted therefor:

Fire areas in
townships

1. For exercising the powers conferred by paragraph 25 of subsection 1 of section 354 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost.

s. 376,
par. 2,
re-enacted

(2) Paragraph 2 of the said section 376 is repealed and the following substituted therefor:

Appointing,
insuring and
paying of
fire
fighters

2. For appointing, insuring and paying fire fighters and others employed in connection with the fire hall and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll to meet the cost thereof and the cost of the maintenance and repair of the fire hall, fire engines, apparatus and appliances.

s. 376, par. 5,
repealed

(3) Paragraph 5 of the said section 376 is repealed.

s. 381 (1),
par. 6,
amended

13. Paragraph 6 of subsection 1 of section 381 of the said Act is amended by striking out “\$1” in the fourth line and inserting in lieu thereof “\$10”.

s. 383, par. 15,
cl. b,
subclause
(iii), amended

14. Subclause iii of clause *b* of paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, is further amended by striking out “the licence fee shall be not more than \$5 per month” in the amendment of 1971 and inserting in lieu thereof “no licence fee shall be charged”.

s. 426,
repealed

15. Section 426 of the said Act is repealed.

s. 453,
amended

16. Section 453 of the said Act is amended by adding thereto the following paragraph:

Use of
air-space
over
highways

- 3a. For authorizing agreements between the corporation of the municipality and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the costs thereof and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such

consideration and upon such terms and conditions as may be agreed and where the corporation of the municipality is the owner of the lands abutting on both sides of a highway, for authorizing the construction and maintenance by the municipality of walks for the use of pedestrians over, across or under the highway and for the leasing or licensing of untravelled portions of such walks and adjoining lands to persons for such consideration and upon such terms and conditions as may be agreed.

17. Subsection 1 of section 466 of the said Act is amended ^{s. 466 (1), amended} by striking out “\$300” in the third line and inserting in lieu thereof “\$1,000”.

18. The said Act is further amended by adding thereto the ^{s. 503a, enacted} following section:

503a. Subsection 1 of section 64 of *The Ontario Municipal Board Act* does not apply to the incurring of a debt ^{Application of R.S.O. 1970, c. 323, s. 64 (1)} by an improvement district that is payable within a period that does not extend beyond the end of the year next following the year in which the debt is incurred.

19. Subsection 2 of section 512 of the said Act is amended ^{s. 512 (2), amended} by striking out “and subject to section 76 of *The Assessment Act*” in the first and second lines and inserting in lieu thereof ^{R.S.O. 1970, c. 32} “but subject to section 636a”.

20. Section 516 of the said Act is amended by adding ^{s. 516, amended} thereto the following subsections:

(2a) Subject to subsection 2m, in ascertaining the names ^{List of names and school support} and school support of all persons assessed for the purpose of preparation of the collector's roll, the clerk, in addition to the index book provided for by section 60 of *The Separate Schools Act*, shall be guided by the list supplied to him under section 23 of *The Assessment Act*, as revised and certified. ^{R.S.O. 1970, cc. 430, 32}

(2b) The Minister may make regulations prescribing the ^{Regulation by Minister} forms and procedures to be used by the clerk for revision and certification of the list supplied to him under section 23 of *The Assessment Act*.

(2c) A person whose name has not been included in the list or whose name has been included in the list but the information relating to him set out therein is ^{Application to enter name in list or correct information} incorrect may apply either personally or by his agent

authorized in writing to the clerk of the municipality on or before the date fixed by the clerk as the last day for filing complaints for revision of the list to have his name included in the list or to have such information corrected.

Application
form

(2*d*) Every person applying under this section for an alteration of his school support as shown on the list shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk at the applicant's request and, before correcting the list, the clerk shall satisfy himself that the applicant understands the effect of the statements in the application and that he is entitled to have the list corrected pursuant to his request.

Interpreter

(2*e*) When the language of an applicant under this section is not understood by the clerk, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused.

Decision to
amend list

(2*f*) If it appears to the clerk that an applicant under this section understands the effect of the statements in the application and that the amendment that he requests should be made, he shall certify accordingly by signing the application.

Refusal to
amend list

(2*g*) If, in the opinion of the clerk, the statements made by an applicant in his application under this section do not show that the applicant is entitled to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form.

Revision
period

(2*h*) In the years in which municipal elections are held, determination of complaints for revision of the list shall be completed at the same date as completion of determination of complaints for revision of the preliminary list of electors under *The Municipal Elections Act, 1972*, but in the years in which municipal elections are not held, the clerk shall determine all such complaints not later than the 10th day of November in the year in which the complaints are made.

1972, c. 95

Lists to
correspond

(2*i*) Where, following a complaint, a change is made in the list, the clerk shall ensure that where applicable the like change is made in the preliminary list of

electors and the clerk shall also ensure that the list reflects, where applicable, changes made in the preliminary list of electors.

- (2j) Upon determination of all complaints for revision of the list for a municipality filed on or before the last day for filing complaints for revision thereof, the clerk shall compile a statement of changes to the list and shall send a copy of such statement to the assessment commissioner and to the secretary of each school board in the municipality. Statement of changes
- (2k) After compilation of the statement of changes, the clerk shall amend the list in accordance with the statement and shall certify the list as so revised, notwithstanding any appeals that have been or may be made to the Assessment Review Court. Certification of list
- (2l) The applicant personally or by his agent authorized in writing, may appeal to the Assessment Review Court from the refusal of the clerk to amend the list by sending notice of appeal to the regional registrar of the Assessment Review Court within fourteen days of the date of refusal of the application by the clerk and the Assessment Review Court shall hear and decide all appeals under this subsection not later than the 31st day of December in the year in which the appeal is made. Appeal
- (2m) In the year 1972, for the purposes of this section in the City of Timmins-Porcupine or in the local municipalities situated within the boundaries of The Regional Municipality of Sudbury or The Regional Municipality of Waterloo, the assessment commissioner shall supply the municipal clerks with lists for school support purposes and such lists shall be deemed to be the list required by section 23 of *The Assessment Act* and the provisions of subsections 2a to 2l of this section apply *mutatis mutandis*. Regional provisions

R.S.O. 1970,
c. 32

21. Subsection 1 of section 544 of the said Act is repealed and the following substituted therefor: s. 544 (1), re-enacted

- (1) The clerk of the municipality shall keep the list so furnished by the treasurer on file in his office, subject to the inspection of any person requiring to see it, and he shall also deliver a copy of such list in each year to the Assessment Commissioner and it is the duty of the Assessment Commissioner to ascertain if any of the lots or parcels of land contained in such lists Clerks to keep the lists in their office open to inspection, give copy to Assessment Commissioner

are incorrectly described, and all such lists shall be signed by the Assessment Commissioner, verified as provided in subsection 3, and returned to the clerk together with a memorandum of any error discovered therein, and the clerk shall notify in writing the occupants and owners (if known) of the lots or parcels of land contained in such lists, whether resident within the municipality or not, that the land is liable to be sold for arrears of taxes, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file them in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

s. 549 (1),
amended

22. Subsection 1 of section 549 of the said Act is amended by striking out “\$1” in the third line and inserting in lieu thereof “\$2”.

s. 606,
amended

23. Section 606 of the said Act is amended by striking out “or by the limitation of taxation of a telephone company under section 11 of *The Assessment Act*” in the sixth, seventh and eighth lines and by striking out “76 of *The Assessment Act*” in the twelfth line and inserting in lieu thereof “636a”.

s. 636,
re-enacted

24. Section 636 of the said Act is repealed and the following substituted therefor:

Uncollectable
taxes

636.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the council that such outstanding taxes be struck off the roll, and the council may direct the treasurer to strike such taxes off the roll.

Taxes un-
collectable
by reason
of court
decision

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes that by reason of a decision under section 636a, or of a decision of a judge of any court are uncollectable.

ss. 636a, 636b,
enacted

25. The said Act is amended by adding thereto the following sections:

Cancellations,
reductions,
refunds, etc.,
of taxes

636a.—(1) An application to the council for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by any person,

- (a) in respect of real property liable to taxation at the rate levied under subsection 2 of section 302 that has ceased to be real property that would be liable to be taxed at such rate; or
 - (b) in respect of real property that has become exempt from taxation during the year or during the preceding year after the return of the assessment roll; or
 - (c) in respect of a building that was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or
 - (d) who is unable to pay taxes because of sickness or extreme poverty; or
 - (e) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied; or
 - (f) liable for business tax who has not carried on business for the whole year, except where the business was intended to be or was capable of being carried on during a part of the year only, or was not carried on for a period of less than three months during the year by reason of repairs to or renovations of the premises in which the business was carried on; or
 - (g) whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter.
- (2) The application may be made at any time during the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality. Time for making application
- (3) Taxes levied by a municipality shall not be cancelled, reduced or refunded on an application under clause g of subsection 1 unless the application and a maximum amount of taxes that may be cancelled, reduced or refunded has been authorized by a by-law which may be passed by the council of the municipality. Application under cl. g

Notice of
hearing

- (4) Notice of any hearing by the council under this section shall be given by mail by the clerk of the municipality to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the council.

Application
by clerk

- (5) Where any person who is entitled to apply for the cancellation, reduction or refund of taxes under clause *e* or *f* of subsection 1 fails to apply, the clerk of the municipality may apply in his stead and the provisions of this section apply *mutatis mutandis* to such application.

Powers of
council

- (6) The council, subject to such restrictions and limitations as are contained in this section, may reject the application or,
- (a) where the taxes have not been paid, cancel the whole of the taxes or reduce the taxes; or
 - (b) where the taxes have been paid in full, order a refund of the whole of the taxes or any part thereof; or
 - (c) where the taxes have been paid in part, order a refund of the whole of the taxes paid or any part thereof and reduce or cancel the portion of the taxes unpaid.

Hearing and
disposition

- (7) The council shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the clerk of the municipality shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Assessment Review Court within fourteen days of the mailing of such notice.

Appeals

- (8) An appeal may be had to the Assessment Review Court by the applicant from the decision of the council or where the council has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

Notice of
appeal

- (9) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court, within fourteen days after notice of the decision of the

council has been given by the clerk of the municipality under subsection 7, or, within fourteen days after the 31st day of March, where the council has omitted, neglected or refused to deal with an application under this section.

- (10) Notice of any hearing by the Assessment Review Court under this section shall be given by mail by the regional registrar of the Assessment Review Court to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the court. Notice of hearing by Assessment Review Court
- (11) The Assessment Review Court shall have, with respect to appeals under this section, the same powers as the council has under subsection 6. Powers of Assessment Review Court
- (12) Notice of the decision of the Assessment Review Court shall be given by the regional registrar of the Assessment Review Court by mail to the persons to whom notice of the hearing of such application was given, and such notice shall state therein that such decision may be appealed to the county judge within fourteen days of the mailing of such notice. Notice of decision of Assessment Review Court
- (13) An appeal may be had to the county judge by the applicant or the municipality from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an appeal under this section and such appeal shall be a hearing *de novo*. Appeal to county judge
- (14) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court and a copy thereof to the municipal clerk, within fourteen days after notice of the decision of the Assessment Review Court has been given by the regional registrar of the Assessment Review Court under subsection 12, provided that where the municipality appeals it shall send a copy of the notice of appeal to all persons interested in accordance with this subsection. Notice of appeal to county judge
- (15) An appeal may be had to the Municipal Board from a decision of the county judge under subsection 13 and the provisions of section 63 of *The Assessment Act* *mutatis mutandis*. Appeals to O.M.B. R.S.O. 1970, c. 32

Occupant
may be
required
to pay
part of
taxes

R.S.O. 1970,
c. 32

- (16) Where a person makes application for the cancellation, reduction or refund of taxes in respect of business assessment or assessment under subsection 3 of section 7 of *The Assessment Act*, the council, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable regard shall be had to the nature of the business carried on.

Proportion-
ate
cancellation,
refund, etc.

- (17) A cancellation, reduction or refund under clause *b* of subsection 1 shall be for a proportionate part of the taxes based on the number of months in the year during which the exemption existed.

Idem

- (18) A cancellation, reduction or refund under clause *c* of subsection 1 shall be for a proportionate part of the taxes based on the number of months in the year or years after the building was razed in respect of which taxes were levied.

Recom-
mendation
for increase
of taxes where
gross error

- 636*b*.—(1) The treasurer may by filing a notice of the recommendation with the clerk of the municipality recommend to the council that the taxes levied against any person be increased in the year in which the recommendation is made, where he ascertains that such person has been undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied.

Notice of
recom-
mendation

- (2) Notice of the recommendation and of the date upon which it is to be dealt with by the council shall be given by mail by the clerk of the municipality to the treasurer and to the person in respect of whom the recommendation is made not less than fourteen days before the date upon which the recommendation is to be dealt with by the council.

Powers of
council

- (3) The council may reject the recommendation or may increase the taxes to the correct amount, and the amount of the increase, subject to subsection 8, is collectable as if it had been originally levied and demanded.

- (4) Forthwith after the council makes its decision, the clerk of the municipality shall cause notice thereof to be given by mail to the person in respect of whom the recommendation was made and such notice shall state therein that the decision may be appealed to the Assessment Review Court within fourteen days of the mailing of such notice. Notice of decision
- (5) An appeal may be had to the Assessment Review Court by the person in respect of whom the recommendation was made from the decision of the council and such appeal shall be a hearing *de novo*. Appeal
- (6) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court, within fourteen days after notice of the decision of the council has been given under subsection 4. Notice of appeal
- (7) Notice of the appeal and of the date fixed for hearing shall be given by the regional registrar of the Assessment Review Court to the clerk of the municipality and to the person appealing not less than fourteen days before the appeal is to be dealt with by the Assessment Review Court. Notice of hearing by Assessment Review Court
- (8) The Assessment Review Court in dealing with appeals under this section shall have the same powers as the council has under subsection 3. Powers of Assessment Review Court
- (9) Forthwith after the Assessment Review Court makes its decision, the regional registrar shall cause notice thereof to be given by mail to the persons to whom notice was given under subsection 7 and such notice shall state thereon that the decision may be appealed to the county judge within ten days of the mailing of such notice. Notice of decision of Assessment Review Court
- (10) The amount of any increase in taxes is not payable until fourteen days after the mailing of the notice under subsection 4 or, if an appeal is made to the Assessment Review Court, until ten days after the decision of the Assessment Review Court or, if an appeal is made to the county judge, until ten days after the decision of the county judge, and is not subject to any penalties applicable to taxes that are overdue and unpaid until such amount is payable. When increase payable

Appeals to
county judge

- (11) An appeal may be had to the county judge by or on behalf of the municipality or by the person in respect of whom the recommendation was made from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

Notice of
appeal to
county judge

- (12) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court and a copy thereof to the municipal clerk, within ten days of the mailing of the notice under subsection 9.

Appeals to
O.M.B.
R.S.O. 1970,
c. 32

- (13) An appeal may be had to the Municipal Board from a decision of the county judge under subsection 11 and the provisions of section 63 of *The Assessment Act* apply *mutatis mutandis*.

When
application
not to be
dealt with

- (14) The council shall not deal with a recommendation under this section if a certificate with respect to current taxes has been issued by the tax collector under this Act before the mailing of the notice of recommendation under subsection 2.

Commence-
ment

26.—(1) This Act, except section 6, subsections 1 and 2 of section 12 and sections 19, 23, 24 and 25, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6, subsections 1 and 2 of section 12 and sections 19, 23, 24 and 25 come into force on the 1st day of January, 1973.

Short
title

27. This Act may be cited as *The Municipal Amendment Act, 1972* (No. 2).

CHAPTER 125

An Act to amend The Assessment Act

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *t* of section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is repealed. s. 1 (*t*),
repealed
2. Sections 8, 9, 10 and 11 of the said Act are repealed. ss. 8-11,
repealed
3. Subsection 1 of section 14 of the said Act is amended by striking out "or census" in the third line. s. 14 (1),
amended
- 4.—(1) Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor: s. 17 (1),
re-enacted
 - (1) The assessment commissioner shall cause to be prepared an assessment roll for each municipality in the region for which he is the assessment commissioner and, in such preparation, shall cause to be set down the following particulars: Assessment
roll content
 1. A description of the property sufficient to identify it.
 2. The name and surnames, in full, if they can be ascertained, of all persons who are liable to assessment in the municipality whether they are or are not resident in the municipality.
 3. The amount assessable against each person opposite his name and where there is both owner and tenant, both names shall be entered on the roll.
 4. Whether the person is an owner or tenant.
 5. Number of acres, or other measures showing the extent of the land.

6. Market value of the parcel of land.
7. Amount of taxable land.
8. Value of land if liable for school rates only.
9. Value of land exempt from taxation.
10. Assessment for real property under clauses *a* and *c* of subsection 2 of section 302 of *The Municipal Act*.
11. Percentage applied in determining the amount of business assessment under section 7.
12. Residential assessment.
13. Professional and commercial assessment.
14. Manufacturing and industrial assessment.
15. Farm assessment.
16. Corporations assessment, by inserting the letter "C" where applicable.

s. 17 (3),
re-enacted

(2) Subsection 3 of the said section 17 is repealed and the following substituted therefor:

Interpre-
tation

- (3) "tenant", for the purposes of this section, means an occupant of land, other than the owner, who is liable to pay business tax in respect of business conducted on such land, or who is an occupant of land under section 26.

ss. 18-22,
repealed

5. Section 18, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, and sections 19, 20, 21 and 22 of the said Act are repealed.

s. 23,
re-enacted

6. Section 23 of the said Act is repealed and the following substituted therefor:

Census

23. The assessment commissioner shall in each year, commencing on the Tuesday following the first Monday of September and ending on the second Tuesday of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include school support and such other information as may be prescribed by the Lieutenant Governor in Council, and a list showing the school

support of every inhabitant who is entitled to direct taxes for school support purposes for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality and to the secretary of each school board in the municipality and the locality on or before the second Tuesday of October of the year in which the census is taken and such census shall be the enumeration referred to in *The Municipal Elections Act, 1972*.

1972, c. 95

7. Subsections 1, 2, 3, 4, 5, 6 and 7 of section 24 of the said Act are repealed and the following substituted therefor:

s. 24 (1),
re-enacted;
s. 24 (2-7),
repealed

(1) Subject to section 26, land shall be assessed against the owner thereof.

Land to be
assessed
against
owner

8. Subsection 4 of section 29 of the said Act is repealed and the following substituted therefor:

s. 29 (4),
re-enacted

(4) If the council fails to pass the by-law before the 1st day of March, any person affected may, on or before the 21st day of March, notify the clerk of the municipality and the Ontario Municipal Board of his intention to appeal to the Ontario Municipal Board, and, upon such an appeal being taken, the Ontario Municipal Board may make an order declaring what part, if any, of the lands of the person appealing is exempt or partly exempt from taxation, and such order when published in *The Ontario Gazette* shall be deemed to be the by-law of the council as if passed under subsection 1 except that there shall be no appeal therefrom under subsection 3.

Appeal
where no
by-law
passed

9.—(1) Subsection 3 of section 30 of the said Act is amended by striking out "Minister or the" in the fourth line.

s. 30 (3),
amended

(2) Subsection 4 of the said section 30 is amended by striking out "Minister or the" in the third line.

s. 30 (4),
amended

10. Section 34 of the said Act is amended by striking out "Except as provided by subsection 14 of section 8" in the first line.

s. 34,
amended

11. Subsection 12 of section 35 of the said Act is repealed and the following substituted therefor:

s. 35 (12),
re-enacted

(12) Telephone companies assessed under this section shall, in addition, be subject to the provisions of section 304a of *The Municipal Act*.

Municipal
telephone
companies
R.S.O. 1970,
c. 284

s. 40 (1),
amended

12. Subsection 1 of section 40 of the said Act is amended by striking out "except persons entered on the roll under section 18" in the fourth and fifth lines.

s. 42,
amended

13. Section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 7, is further amended by adding thereto the following subsection:

Apportion-
ment of
taxes

(5) Where taxes are levied under this section, the amount thereof shall be apportioned to any body for which the council is required by law to levy rates or raise money in accordance with subsection 6 of section 43.

s. 45,
repealed

14. Section 45 of the said Act is repealed.

s. 55 (2),
re-enacted

15. Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 11, is repealed and the following substituted therefor:

Notice of
appeal

(2) A notice of appeal to the county judge shall,

(a) within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14; or

(b) where there has been any omission, neglect or refusal by the Assessment Review Court to hear or decide an appeal, on or before the 30th day of January in the year following that in which the appeals were made, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice would, had there been no such omission, neglect or refusal, have been given under subsection 14 of section 52.

ss. 59, 60,
repealed

16. Sections 59 and 60 of the said Act are repealed.

s. 63 (2),
re-enacted

17. Subsection 2 of section 63 of the said Act is repealed and the following substituted therefor:

Appeal
under
ss. 42-44

(2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43 or 44.

ss. 76, 77,
repealed

18. Sections 76 and 77 of the said Act are repealed.

19.—(1) Clause *b* of subsection 1 of section 86 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed and the following substituted therefor: ^{s. 86 (1) (b), re-enacted}

- (b) before the 1st day of September in each year, with the particulars referred to in paragraphs 2 and 4 of subsection 1 of section 17.

(2) Subsection 3 of the said section 86 is repealed and the following substituted therefor: ^{s. 86 (3), re-enacted}

- (3) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality by the 30th day of September of each year to make it accord with and reflect any alteration made to the collector's roll during the year pursuant to the provisions of sections 42 and 43 of this Act, section 547, clauses *a*, *b*, *c*, *e* and *f* of subsection 1 and subsections 7 and 11 of section 636*a* and section 636*b* of *The Municipal Act*. ^{Assessment roll to be altered to reflect alterations in collector's roll}

R.S.O. 1970,
c. 284

20. Paragraph 2 of section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed. ^{s. 96, par. 2, repealed}

21. Form 1 of the said Act is amended by striking out paragraphs 5 and 6. ^{Form 1, amended}

22.—(1) This Act, except sections 2, 8, 9, 10, 11, 13, 15, 17 and 18 and subsection 2 of section 19, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Sections 2, 8, 9, 10, 11, 13, 15, 17 and 18 and subsection 2 of section 19 come into force on the 1st day of January, 1973. ^{Idem}

23. This Act may be cited as *The Assessment Amendment Act*, 1972. ^{Short title}

CHAPTER 126

**An Act to amend The Regional
Municipality of Ottawa-Carleton Act**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is amended by striking out "the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth and tenth lines and inserting in lieu thereof "such rate as the Regional Council may, by by-law, establish". <sup>s. 20 (1),
amended</sup>

2. The said Act is further amended by adding thereto the following sections: <sup>ss. 26a, 26b,
enacted</sup>

26a. Where an employee of the Regional Corporation was, on or before the 31st day of December, 1968, participating in an approved pension plan of any area municipality or local board thereof, and such employee is subsequently employed by the Regional Corporation or a local board thereof, ^{Pensions}

(a) the Regional Corporation and such area municipality may, with the approval of the Ministry, enter into one or more agreements to provide for,

(i) the transfer to the Regional Corporation of the contributions of such employee, the contributions of the area municipality and the interest accrued on all such contributions, and

(ii) the sharing of any past deficits or surpluses on a basis that is just and equitable;

(b) the Regional Corporation may, with such proceeds, and any deficit or surplus payments required, establish a pension plan on the same basis, terms and conditions as the approved

pension plan of the area municipality, and such plan, when so established shall be deemed to be an approved pension plan for all purposes.

Super-
annuation
benefits

26b. Notwithstanding the provisions of section 26, where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or local board thereof without intervening employment, and such person is a contributor under the terms of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act*, of such area municipality or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System, and such person has elected in writing to remain an employee of the area municipality or local board thereof for purposes of the supplementary agreement,

R.S.O. 1970,
c. 324

(a) such contributory service of the employee with the area municipality or local board thereof shall be included in calculating the service of the employee with the Regional Corporation or local board thereof for the purposes of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act, 1961-62* of the Regional Corporation or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System; and

1961-62, c. 97

(b) all moneys, plus interest, held on behalf of the employee in accordance with a supplementary agreement of an area municipality or local board thereof shall be paid to the Ontario Municipal Employees Retirement Board as a contribution under the supplementary agreement of the Regional Corporation or local board thereof.

s. 27 (5),
re-enacted

3. Subsection 5 of section 27 of the said Act is repealed and the following substituted therefor:

Interest to
be charged
by area
municipality

(5) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 4, the area municipality may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

4. Subsection 6 of section 31 of the said Act is repealed ^{s. 31 (6), re-enacted} and the following substituted therefor:

- (6) If the Regional Corporation fails to make any payment ^{Default} or portion thereof on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

5. The said Act is further amended by adding thereto the ^{s. 50a, enacted} following section:

- 50a.—(1) The Regional Corporation may construct, in- ^{Install-} ^{ation of} ^{traffic} ^{control} ^{devices} ^{Installation of} ^{traffic} ^{control} ^{devices} stall, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering, warning, guiding or regulating the flow of traffic upon, entering or leaving a regional road.
- (2) The Regional Corporation may relocate, alter or ^{Relocation of} ^{intersecting} ^{roads} divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a regional road.
- (3) No road shall be relocated, altered or diverted under ^{Approval} subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.
- (4) The Municipal Board, before giving its approval under ^{Powers of} ^{Municipal} ^{Board} subsection 3, may hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient.
- (5) Where, in relocating, altering or diverting a public ^{Vesting of} ^{new road in} ^{area muni-} ^{city} road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of storm sewers, etc., on area municipality road

- (6) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

s. 51 (2-4), re-enacted

6. Subsections 2, 3 and 4 of section 51 of the said Act are repealed and the following substituted therefor:

Area municipalities may construct sidewalks, etc.

- (2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the approval of the Regional Council expressed by resolution.

How cost provided

- (3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*.

Area municipality to conform to requirements and be responsible for damages

- (4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, storm sewer, improvement or service on the road.

s. 55, amended

7. Section 55 of the said Act is amended by inserting after "roads" in the first line "and the regulation of traffic thereon".

ss. 55a, 55b, 55c, enacted

8. The said Act is further amended by adding thereto the following sections:

Erection of gasoline pump and advertising device near regional road

55a.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

- (2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

55b.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law. Signal-light devices

(3) The Regional Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution towards cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of regional roads

55c.—(1) The Regional Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any regional road or any portion of a regional road than is prescribed in subsection 1 of section 82 of *The Highway Traffic Act*, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour. Speed limits on regional roads

(2) No by-law passed under subsection 1 shall become effective until approved by the Ministry and the regional roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under *The Highway Traffic Act*. Approval of by-laws

9. Subsection 1 of section 62 of the said Act is amended by striking out "Subject to the approval of the Municipal Board" in the first line. s. 62 (1), amended

10. Section 63 of the said Act is amended by adding thereto the following subsection: s. 63, amended

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the Compensation

owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 62 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

s. 64 (2),
re-enacted

11. Subsection 2 of section 64 of the said Act is repealed and the following substituted therefor:

Default

- (2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

s. 65 (2),
amended

12. Subsection 2 of section 65 of the said Act is amended by striking out "twenty-one" in the third line and inserting in lieu thereof "sixty".

s. 67,
amended

13. Section 67 of the said Act is amended by adding thereto the following subsection:

Application
of R.S.O.
1970, c. 201

- (2) Section 91 of *The Public Transportation and Highway Improvement Act* applies *mutatis mutandis* to the Regional Corporation.

ss. 67a-67f,
enacted

14. The said Act is further amended by adding thereto the following Part:

PART IV-A

REGIONAL TRANSPORTATION

Interpre-
tation

67a. In this Part,

- (a) "Commission" means the Ottawa-Carleton Regional Transit Commission established under this Part;
- (b) "Former Commission" means the Ottawa Transportation Commission;
- (c) "passenger transport" means the transportation of passengers for reward by bus or by any other means of transportation except taxi;

- (d) "Urban Transit Area" means the area defined by by-law of the Regional Council under section 67d.

- 67b.—(1) There is hereby established a commission to be known as the Ottawa-Carleton Regional Transit Commission with the powers, rights, authorities and privileges vested in it by this Act. Ottawa-Carleton Regional Transit Commission established
- (2) The Commission is a body corporate and shall consist of five members who shall be members of the Regional Council appointed by by-law of the Regional Council. Commission members
- (3) Three members of the Commission constitute a quorum. Quorum
- (4) Members of the Commission shall not be paid any remuneration except for their travelling and other expenses incurred while engaged in the business of the Commission. Remuneration
- (5) The Ottawa Transportation Commission is hereby dissolved as of the day this Part comes into force. Former Commission dissolved
- (6) The Commission has the exclusive right within all parts of the Regional Area from time to time included in the Urban Transit Area to maintain and operate a passenger transport service but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act* on or before the 1st day of January, 1972, and in exercising such right the Commission has the power and duty to establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways, or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area and all lands and rights-of-way owned, acquired or leased by the Commission. Exclusive franchise in Urban Transit Area
R.S.O. 1970, c. 392
- (7) The Commission shall fix such fares as it considers proper for the use of its passenger transport system. Fares

Parking lots
R.S.O. 1970,
c. 284

(8) Notwithstanding the provisions of *The Municipal Act*, the Commission may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with passenger transport systems and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein or thereon.

Collective
agreements
continued

(9) When a person is employed by the Former Commission on the day this Part comes into force and the employment rights of such person are defined by a collective or other agreement then the Commission is bound by such agreement and stands in the place of the Former Commission in such agreement.

Offer of
employment

(10) Subject to subsection 9, the Commission shall offer to employ any person employed by the Former Commission on the day this Part comes into force upon terms not less favourable as to remuneration and all other benefits than those enjoyed by such employee on the effective date of this Part.

Pension
plans, etc.

(11) Notwithstanding the provisions of any other Act, the Commission may provide pension or retirement plans, and the provision of sick pay benefits, medical, hospital, surgical, drug, dental and other insurance plans whether carried on or participated in by the Former Commission or not, and all existing plans are continued and in relation to all such matters the Commission shall stand in the place of the Former Commission.

Purchase
and disposal
of property

(12) The Commission may purchase, lease or otherwise acquire and use any real or personal property for its purposes and lease, sell or otherwise dispose of such real or personal property when no longer required by the Commission for its purposes, but real property shall not be purchased or sold without the prior approval of the Regional Corporation.

Assets not
needed

(13) The Commission may, and on request shall, release to the Regional Corporation all its interest in assets which cease to be required for the operation of the passenger transport system.

Exclusive
franchise

67c.—(1) Subject to subsection 6 of section 67b, the Regional Corporation has the exclusive right within the Regional Area to maintain and operate a passenger transport service, but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective

purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act* on or before the 1st day of January, 1972, and in exercising such right the Regional Corporation may establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area.

R.S.O. 1970,
c. 392

- (2) Without limiting the generality of subsection 1, the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport. General powers
- (3) Except with the approval of the Regional Council, no area municipality shall have or exercise any of the powers heretofore or hereafter conferred on municipal corporations with respect to passenger transport by any general or special Act. Area municipalities, prohibition
- (4) By-laws may be passed by the Regional Council to, By-laws re,
 - (a) acquire, by purchase or otherwise, without the approval of the Municipal Board, the passenger transportation facilities and equipment of any person or area municipality; acquisition of transit systems
 - (b) acquire, by purchase or otherwise, any real or personal property required for passenger transport purposes; acquisition of property
 - (c) permit the Commission to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise; passenger transport outside Regional Area
 - (d) subject to compliance with the laws of the Province of Quebec, permit the Commission to transport and convey passengers in the Province of Quebec, whether by chartered trips or otherwise and to enter into agreements with municipal corporations and passenger transport operators in the Province of Quebec concerning connecting or reciprocal passenger transport services and shared or sole use of facilities, personnel and equipment; passenger transport in Quebec

service
outside Urban
Transit Area
by
Commission

(e) permit the Commission to provide passenger transport services in any part of the Regional Area outside the Urban Transit Area;

agreements
for service

(f) permit the Commission to enter into agreements with adjoining and area municipalities with respect to the operation by the Commission of a passenger transport system in such municipality;

parking lots

(g) provide for the establishment, construction, management and operation of parking lots for the parking of vehicles in connection with passenger transport systems and to charge fees for and regulate the parking of vehicles therein;

service
outside
Urban Transit
Area by
agreement

(h) enter into agreements with any person, or area or other municipality for the provision of passenger transport service in any part of the Regional Area not then included in the Urban Transit Area;

regulations

(i) make regulations governing, regulating and controlling the conduct of persons on any vehicle or in or upon any land or structure used for or in connection with passenger transport;

financial
statements,
regulations,
etc.

(j) provide for the preparation, delivery and publication by the Commission of such annual reports, financial statements, budgets, capital forecasts, estimates and other reports and statements and the utilization of surplus moneys upon such terms and conditions as the by-law may prescribe;

temporary
borrowing

(k) authorize the Commission to make arrangements for temporary borrowings to such total amount and subject to such terms and conditions as the by-law may prescribe.

Approval

(5) Where, in this Part, the Regional Council undertakes any matter or work, establishes any regulation or grants any approval, such action shall be authorized by by-law, and may be subject to such terms and conditions as the Regional Council considers proper.

Urban
Transit Area

67d.—(1) The Regional Council shall by a by-law or by-laws define one or more parts of the Regional Area as an Urban Transit Area, which area, in the opinion of the Regional Council, derives benefit from the provision of passenger transport.

- (2) The Regional Council shall annually, by by-law, levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the total operations of the Commission in the preceding year. Levy on area municipalities
- (3) A by-law enacted under subsection 2 shall apportion the levy against each of such area municipalities in a manner that, in the opinion of the Regional Council, is just and equitable, and without limiting the generality of the foregoing, the Regional Council, in making such apportionment may have regard to the degree of passenger transport services provided, the financial implications of providing such service, equalized assessment, and any other factors and considerations that are, in the opinion of the Regional Council, relevant. Apportionment of levy
- (4) The Ministry of Revenue shall provide to the Regional Corporation such equalized assessment information as it may require for the purposes of any by-law enacted under this section and the provisions of Part VII apply *mutatis mutandis* in the event any equalized assessment is varied by an appeal under that Part or under *The Assessment Act*. Equalized assessments
R.S.O. 1970, c. 32
- (5) The Regional Corporation may advance moneys to the Commission from time to time upon such terms and conditions as the Regional Council may prescribe and any moneys so advanced shall be deemed not to reduce the operating deficit referred to in subsection 2 unless the Regional Council otherwise directs. Advances
- (6) Notwithstanding the effective date of this Part, the accumulated operating deficit of the Former Commission shall be deemed to be a deficit of the Commission for the purposes of subsection 2. Accumulated deficits
- (7) Within ten days of the passing of a by-law under subsection 1 or 2, the clerk of the Regional Council shall give notice thereof to the clerk of any area municipality affected thereby, by prepaid registered post. Notice to area municipalities
- (8) Any area municipality affected by a by-law passed under subsection 1 or 2 may appeal to the Municipal Board against such by-law by sending by prepaid registered post to the Municipal Board and to the clerk of the Regional Council a notice in writing setting Appeal

forth its objections to such by-law and its reasons therefor within thirty days of the passing of such by-law.

Hearing

- (9) The Municipal Board shall make such inquiries into the matter as it considers necessary and may by order confirm such by-law or make such amendments, if any, to the by-law as it deems proper in the circumstances, and the order of the Municipal Board is final.

Effect of
by-law

- (10) If no appeal is made against the by-law as provided in subsection 8, such by-law is valid, final and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the Regional Council.

Payment
over of
levy to
Commission

- (11) The sums levied by a by-law enacted under subsection 2 as enacted by the Regional Council or varied by the Municipal Board, as the case may be, shall be paid over by the Regional Corporation to the Commission less any advances previously made by the Regional Corporation to the Commission in respect of such deficit and levy.

Special levy
by area
municipality

- (12) Any area municipality may pay the amounts chargeable to it under any such by-law out of its general funds, or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose a special rate or rates in one or more defined areas in the Urban Transit Area to raise the whole or any part of the amount charged to such area municipality.

Assets

- 67*e*.—(1) All the real and personal property owned by or vested in The Corporation of the City of Ottawa for the use of the Former Commission and all real and personal property owned by or vested in the Former Commission are hereby vested in the Commission.

Liabilities

- (2) The Commission shall assume all liabilities of the Former Commission except those referred to in subsection 5, which shall be assumed by the Regional Corporation.

No compensation

- (3) No compensation or damages shall be payable to the Former Commission or The Corporation of the City of Ottawa in respect of any undertaking, assets and property vested in the Commission under this Part.

- (4) In the event of any doubt as to whether any particular asset is vested in the Commission or any particular liability is assumed by the Commission or the Regional Corporation the Municipal Board upon application shall determine the matter and its decision is final. Disputes
- (5) On and after the effective date of this Part, the Regional Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of that area municipality in respect of any property vested in the Regional Corporation under this section, or issued by that area municipality for or on behalf of the Former Commission. Debenture payments to area municipalities
- (6) If the Regional Corporation fails to make any payment as required by subsection 5, interest in the amount of 1 per cent on the unpaid balance shall be added to the amount due on the first day of default and on the first day of each calendar month thereafter. Default
- (7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under this section, or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of disputes
- (8) The Regional Council may pass by-laws to require the Commission to pay to the Regional Corporation amounts required to be raised annually by the Regional Corporation to meet interest, principal and sinking fund instalments on debentures or other debts assumed under this Part or subsequently incurred by the Regional Corporation for public transport purposes, upon such terms as to time, manner of payment and interest, as the by-law may prescribe. Debenture repayments by Commission
- (9) For the purposes of *The Public Vehicles Act*, all passenger transport provided by the Commission within the Regional Area shall be deemed to be within the corporate limits of one urban municipality. Regional Area deemed one urban municipality under R.S.O. 1970, c. 392
- (10) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act*, *The Conditional Sales Act*, *The Personal Property Security Act*, *The Bulk Sales Act* and any other Act affecting title to property, it is sufficient to cite this Transfer of title R.S.O. 1970, cc. 409, 234, 45, 76, 344, 52

Act to show the transmission of title to the Corporation or the Commission as the case may be and the vesting therein of any real or personal property or any interest therein, but, if an order has been made by the Municipal Board under this Part the order shall be cited as well, and the transfer of assets effected by this Part shall be conclusively deemed to have been made in conformity with each and all such Acts.

R.S.O. 1970,
c. 289
not to apply

- (11) *The Municipal Franchises Act* shall not apply to any passenger transport services provided under this Part.

Penalties
R.S.O. 1970,
c. 284

- (12) Part XXI of *The Municipal Act* applies to any by-laws passed under this Part.

Agreements

- (13) For the purposes of this Part, the Regional Corporation may enter into agreements with any person.

Repeals

- 67f. The following are repealed:

1. *The Ottawa City Transportation Act, 1920*, being chapter 132.
2. Sections 1 to 17 of *The City of Ottawa Act, 1948*, being chapter 117.
3. Section 2 of *The City of Ottawa Act, 1951*, being chapter 111.
4. Section 1 of *The City of Ottawa Act, 1954*, being chapter 120.
5. Section 1 of *The City of Ottawa Act, 1959*, being chapter 125.
6. Section 1 of *The City of Ottawa Act, 1960*, being chapter 161.
7. Section 2 of *The City of Ottawa Act, 1964*, being chapter 136.
8. Sections 7, 8, 9 and 10 of *The City of Ottawa Act, 1968*, being chapter 164.

s. 80 (3),
re-enacted

15. Subsection 3 of section 80 of the said Act is repealed and the following substituted therefor:

- (3) If the Regional Corporation fails to make any ^{Default} payment or portion thereof as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the city may by by-law determine.

16. Section 87 of the said Act is repealed and the following ^{s. 87, re-enacted} substituted therefor:

87. Every area municipality and every officer or employee ^{Information} thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

17. Section 92 of the said Act is repealed and the following ^{s. 92, re-enacted} substituted therefor:

- 92.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,
- (a) for payment of the estimated current annual expenditures as adopted; and
 - (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.
- (2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.
- (3) Subject to subsection 10, all amounts levied under sub- ^{Idem} section 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

- (4) The Ministry of Revenue shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs. 4
ceases to
apply

- (5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to
Regional
Corporation
and area
municipality

- (6) Upon completion by the Ministry of Revenue of the revision and equalization of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

- (7) If any area municipality is not satisfied with the assessment as revised and equalized by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Ministry of Revenue.

Idem

- (8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

- (9) Where the last revised assessment of the area municipality has been revised and equalized by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to

pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

- (10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply
R.S.O. 1970, c. 32
- (11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality. Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid
- (12) The clerk of an area municipality shall transmit to the Ministry of Revenue, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations. Valuations of properties in respect of which grants in lieu of taxes received
- (13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. Levy by-laws
- (14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy
- (15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Payment

Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

- (16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment becomes due until made, or at such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

Advance
payments

- (17) Any by-law passed under this section may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment of an annual levy or a part thereof made in advance by any area municipality.

s. 95 (1),
amended

18. Subsection 1 of section 95 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

s. 100,
amended

19.—(1) Section 100 of the said Act is amended by adding thereto the following subsections:

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

- (6a) Notwithstanding subsection 5, the Regional Council may by by-law,
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the

Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

- (6*b*) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection 6*a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6*a*, and any levy imposed by a by-law under clause *b* of subsection 6*a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6*a* was levied.

(2) Subsection 18 of the said section 100 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause: ^{s. 100 (18), amended}

- (*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(3) Subsection 19 of the said section 100 is amended by inserting after "Britain" in the third line "or in any currency other than that of Canada". ^{s. 100 (19), amended}

(4) Subsection 20 of the said section 100 is amended by striking out "3½" in the third line and inserting in lieu thereof "5". ^{s. 100 (20), amended}

(5) Subsections 22 and 23 of the said section 100 are repealed and the following substituted therefor: ^{s. 100 (22, 23), re-enacted}

- (22) When sinking fund debentures are issued, there shall ^{Sinking fund} be a sinking fund committee that shall be com- ^{committee} posed of the treasurer of the Regional Corporation

and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

- (23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

s. 100 (40) (b)
(ii), amended

- (6) Subclause ii of clause *b* of subsection 40 of the said section 100 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

s. 100a,
enacted

- 20.** The said Act is further amended by adding thereto the following section:

Debentures:

100a. Notwithstanding any other provision of this Act,

payable on
a fixed date
subject to the
annual
redemption
by lot of a
specified
principal
amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures to
be redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional

Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

21. Section 108 of the said Act is amended by adding s. 108, amended thereto the following subsections:

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registration of debenture as to principal and interest
- (5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. When Debenture Registry Book may be maintained outside Canada

Commence-
ment

22.—(1) This Act, except section 14, comes into force on the day it receives Royal Assent.

Idem

(2) Section 14 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

23. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1972*.

CHAPTER 127

**An Act to amend
The Public Vehicles Act**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Public Vehicles Act*, being chapter 392<sup>s. 12,
repealed</sup> of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is repealed.

2. This Act comes into force on the day it receives Royal<sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Public Vehicles Amendment*^{Short title} Act, 1972.

CHAPTER 128

**An Act to amend
The Highway Traffic Act**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

26a.—(1) In this section, “justice” means a justice of the peace or a provincial judge. s. 26a,
enacted
Interpre-
tation

(2) Where a justice is satisfied that a person is in default of payment of all or any part of a fine imposed upon conviction for an offence against *The Highway Traffic Act*, *The Public Vehicles Act*, *The Public Commercial Vehicles Act* or the regulations made under any of them, he may, in addition to any other order which may have been made under *The Summary Convictions Act*, issue an order to the Registrar directing the suspension of the driver’s licence of such person and the Registrar shall suspend the licence. Suspension
for default
in payment
of fine
R.S.O. 1970,
cc. 202, 392,
375, 450

(3) A driver’s licence that is suspended under this section shall remain suspended and shall not be renewed, nor shall a new licence be issued to the person whose licence has been suspended, until payment in full is made of the amount in respect of which the order directing suspension was issued and the licence is reinstated pursuant to subsection 4. Suspension

(4) Upon payment in full of the amount in respect of which an order directing suspension was issued, a justice of the court from which the order was issued shall issue an order to the Registrar directing the reinstatement of the driver’s licence and the Registrar shall reinstate the licence. Removal of
suspension

Notice to
past
defaulters

- (5) Where a person was in default of payment of all or part of a fine referred to in subsection 2 immediately before *The Highway Traffic Amendment Act, 1972* came into force, no order shall be made under subsection 2 until fifteen days after such person has been notified of the intention to make such order.

Regulations

- (6) The Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this section.

Commence-
ment

- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 3.** This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

CHAPTER 129

**An Act to amend
The Housing Development Act**

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 1 of section 7 of *The Housing Development*^{s. 7 (1), amended} Act, being chapter 213 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “or of a building development and may sell, lease or otherwise dispose of any of such land on such terms and conditions as the Minister may determine”.
- 2.** This Act comes into force on the day it receives Royal^{Commence-} Assent^{ment}.
- 3.** This Act may be cited as *The Housing Development*^{Short title} Amendment Act, 1972.

CHAPTER 130

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1973

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1973, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue \$6,125,217,500
granted for
fiscal year
1972-73
Fund a sum not exceeding in the whole \$6,125,217,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1972, to the 31st day of March, 1973, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of March, Exempt
1973, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1972*.

SCHEDULE

Office of Lieutenant Governor.	\$ 55,000
Office of the Premier.	975,000
Office of the Cabinet.	1,589,000
Management Board.	2,502,000
Civil Service Commission.	3,557,000
Office of the Provincial Auditor.	1,161,000
Ministry of Government Services.	153,190,000
Ministry of Revenue.	210,783,000
Ministry of Treasury, Economics and Inter- governmental Affairs.	169,338,000
Ministry of the Attorney General.	55,394,300
Ministry of Consumer and Commercial Relations	24,039,200
Ministry of Correctional Services.	72,943,000
Ministry of the Solicitor General.	75,348,000
Ministry of Agriculture and Food.	81,313,000
Ministry of the Environment.	106,181,000
Ministry of Industry and Tourism.	38,453,000
Ministry of Labour.	10,845,000
Ministry of Natural Resources.	125,607,000
Ministry of Transportation and Communications	593,699,000
Ministry of Colleges and Universities.	719,597,000
Ministry of Community and Social Services. ...	427,505,000
Ministry of Education.	1,222,998,000
Ministry of Health.	2,028,145,000
	<hr/>
	\$ 6,125,217,500
	<hr/>

CHAPTER 131

An Act to amend The Legislative Assembly Act

*Assented to November 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

8a.—(1) Subject to subsection 2, a member of the Assembly is not eligible to hold office as a member of the council of a municipality, including a district, metropolitan or regional municipality, or as a member of a local board, as defined in *The Municipal Affairs Act*, of such a municipality. Member of Assembly not eligible to hold municipal office
s. 8a, enacted
R.S.O. 1970, c. 118

(2) Every person who is elected a member of the Assembly while holding an office referred to in subsection 1 may continue to hold such office, notwithstanding any other Act, until the end of the day on which the return of the election of such person to the Assembly is published in *The Ontario Gazette* under section 127 of *The Election Act*, at which time he shall be deemed to have resigned such office. Member deemed to have resigned municipal office when election to Assembly published
R.S.O. 1970, c. 142

(3) Any person who, on the day this Act comes into force, is a member of the Assembly and holds an office referred to in subsection 1 shall be deemed to have resigned such office effective when this Act comes into force. Present members

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1972*. Short title

CHAPTER 132

An Act to amend The Land Titles Act

Assented to November 30th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is further amended by relettering clause *ca* as clause *cb* and by adding thereto the following clause: s. 1,
amended

(*ca*) “master of titles” means a land registrar appointed under section 6 for a locality in which this Act is in force.

2.—(1) Clause *b* of subsection 1 of section 3 of the said Act is amended by inserting after “Peel” in the second line “Peterborough”. s. 3 (1) (b),
amended

(2) Clause *c* of subsection 1 of the said section 3 is repealed and the following substituted therefor: s. 3 (1) (c),
re-enacted

(*c*) those parts of the County of Middlesex comprising the City of London and the Registry Division of Middlesex West.

(3) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) The Lieutenant Governor in Council may by regulation extend the operation of this Act to any part of the Province specified in the regulation and may in the regulation provide that the office for the land titles system for the part of the Province to which the operation of the Act is extended shall be combined with an office for the registry system situate in or near the same part of the Province. Extension of
application
of Act

s. 4,
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Changes in
land titles
divisions

4.—(1) The Lieutenant Governor in Council may, by regulation,

- (a) combine two land titles divisions into one land titles division;
- (b) divide a land titles division into two or more land titles divisions;
- (c) annex a part of a land titles division to an adjoining land titles division;
- (d) designate the names by which land titles divisions shall be known;
- (e) provide for the transfer of records and documents relating to land in a land titles division that is combined, divided or in part annexed by a regulation under clause *a*, *b* or *c*.

Idem

(2) No alteration in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any land titles division.

ss. 5, 6,
re-enacted
s. 7,
repealed

4.—(1) Sections 5, 6 and 7 of the said Act are repealed and the following substituted therefor:

Appointment
of land
registrars

5. There shall be a land registrar for every land titles division who shall be appointed by the Lieutenant Governor in Council.

Land
registry
offices

6.—(1) Every land titles office, including every combined registry office and land titles office, shall be known as a land registry office.

Land titles
system

(2) The system of registration under this Act shall be known as the land titles system.

Continuation
of appoint-
ments

(2) Every master of titles holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 5 of *The Land Titles Act* as re-enacted by subsection 1.

s. 10,
amended

5. Section 10 of the said Act is amended by striking out “other than clause *h* thereof” in the fifth line.

6.—(1) Subsection 3 of section 11 of the said Act is repealed and the following substituted therefor: s. 11 (3),
re-enacted

(3) The director of titles may, with the approval of the Director of Land Registration, appoint one or more persons to be assistant deputy directors of titles. Assistant
deputy
directors
of titles

(3a) An assistant deputy director of titles may exercise such powers and shall perform such duties of the director of titles under this or any other Act as are required by the director of titles. Powers and
duties

(2) Notwithstanding the repeal of subsection 3 of section 11 of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under the repealed subsection continues to hold such appointment. Continuation
of appoint-
ments

7. Subsection 8 of section 12 of the said Act is repealed. s. 12 (8),
repealed

8.—(1) Sections 13, 14, 15 and 16 of the said Act are repealed and the following substituted therefor: ss. 13-15,
re-enacted,
s. 16,
repealed

13.—(1) Where a dispute arises in regard to any question of fees under this Act, the master of titles shall forthwith submit the dispute to the Director of Land Registration, and shall thereupon notify the person interested or his agent of such submission, and the decision of the Director of Land Registration upon the question submitted is final, unless appealed from and varied upon appeal as hereinafter mentioned. Disputes as
to fees

(2) Where, in the opinion of the Director of Land Registration, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Director of Land Registration may reduce the fee to such amount as he considers appropriate. Reduction
of fees

(3) All decisions given by the Director of Land Registration shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a local master of the Supreme Court. Appeal from
Director
of Land
Registration

14.—(1) A master of titles may by writing under his hand and seal of office appoint a deputy or deputies who may perform all the duties of the master of titles under this Act in the same manner and to the like effect as if done by the master of titles. Appointment
of deputy
master of
titles

Senior
deputy

- (2) Where a master of titles has more than one deputy, he shall, with the approval of the Director of Land Registration, designate one of the deputies as his senior deputy.

Temporary
master of
titles

- (3) Where the office of master of titles becomes vacant,
- (a) the deputy master of titles; or
 - (b) if there is more than one deputy master of titles, the senior deputy master of titles; or
 - (c) if there is no deputy master of titles, a person employed in a land titles office and designated by the Director of Land Registration,

may exercise the powers and shall perform the duties of the master of titles until a master of titles is appointed.

Deputy
master of
titles at
large

- (4) The Director of Land Registration may appoint a person to act as a deputy master of titles in a land titles office, who shall be deemed to be the deputy master of titles therein during such period as the Director of Land Registration may designate.

Examiner
of surveys

- 15.—(1) There shall be an examiner of surveys who shall be appointed by the Lieutenant Governor in Council.

Qualifica-
tions

- (2) A person shall not be appointed as examiner of surveys unless he is an Ontario land surveyor of not less than five years standing.

Duties

- (3) The examiner of surveys shall work under the direction of the Director of Land Registration and shall perform such duties under this Act, *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act* and *The Registry Act* as are required by the Director of Land Registration or prescribed by the Lieutenant Governor in Council.

R.S.O. 1970,
cc. 48, 59,
77, 409

Assistant
examiners
of surveys

- (4) The examiner of surveys may, with the approval of the Director of Land Registration, appoint one or more persons to be assistant examiners of surveys.

Duties

- (5) An assistant examiner of surveys shall perform such duties of the examiner of surveys under this or any other Act as are required by the examiner of surveys.

(2) Notwithstanding the repeal of sections 13, 14, 15 and 16 of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under one of the repealed sections shall continue to hold such appointment. Continuation of appointments

9. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1), re-enacted

(1) In this section, "holiday" means, Holiday defined

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*. R.S.O. 1970, c. 386

10. The said Act is amended by adding thereto the following section: s. 34a, enacted

34a.—(1) A master of titles, with the concurrence of the director of titles, may, subject to the regulations, register under this Act any land in his land titles division to which *The Registry Act* applies, including land owned by Her Majesty the Queen in right of Canada or Ontario in respect of which evidence of such ownership has been registered under *The Registry Act*. Master's power to register land to which R.S.O. 1970, c. 409 applies

(2) A parcel of land may be registered under this section with an absolute, possessory, qualified or leasehold title, according to the circumstances, as appears most appropriate to the master of titles. Discretion of master re quality of title

(3) A parcel of land may be registered under this section with a title qualified as to the location of the boundaries and the extent of the parcel. Title may be qualified as to location and extent

(4) The Lieutenant Governor in Council may make regulations governing the registration of land under subsection 1, and matters relating thereto, including the notices to be given to owners and encumbrancers. Regulations re notices, etc.

11. Section 36 of the said Act is amended by striking out "situate in a provisional judicial district" in the first line. s. 36, amended

12. Subsection 2 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (2), re-enacted

After what
time entries
may be made
in register

- (2) No entry of any dealing with the land shall be made in the register until fourteen days after the notice is given, unless proof is previously made that the land is not liable to any execution.

s. 51 (1),
par. 11,
re-enacted

13.—(1). Paragraph 11 of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,
c. 349

11. The provisions of section 29 of *The Planning Act*.

s. 51 (5),
repealed

- (2) Subsection 5 of the said section 51 is repealed.

s. 53 (2),
amended

14. Subsection 2 of section 53 of the said Act is amended by striking out “section 61” in the seventh line and inserting in lieu thereof “section 62”.

s. 63 (2, 3),
re-enacted

15. Subsections 2 and 3 of section 63 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, are repealed and the following substituted therefor:

Applications
for financial
assistance

- (2) An application for financial assistance from The Land Titles Survey Fund may be made to the Director of Land Registration by,

- (a) a registered owner in respect of the costs of a survey of his land;
- (b) an applicant for first registration under this Act in respect of the costs of a survey of his land;
- (c) the council of a municipality in respect of the costs of and incidental to an application under section 34;
- (d) an applicant under *The Boundaries Act* in respect of the costs of and incidental to an application under that Act, including survey costs.

R.S.O. 1970,
c. 48

- (3) The Director of Land Registration may direct that all or a part of the costs mentioned in an application made under subsection 2 be paid out of The Land Titles Survey Fund.

Direction
for payment

Payment
from Fund

- (4) Upon receipt of a direction of the Director of Land Registration, the Accountant of the Supreme Court shall pay to the person or municipality named in the direction such sum or sums, at such time or times as are stipulated in the direction, out of The Land Titles Survey Fund, so far as that Fund is sufficient for the purpose.

- (5) The determination by the Director of Land Registration of the amount, if any, to be paid from The Land Titles Survey Fund is not subject to appeal. Determination final

16. Section 64 of the said Act is amended by adding thereto s. 64, amended the following subsection:

- (4a) Except where he recommends the claim be paid in full, Hearing the director of titles shall hold a hearing, and the claimant and such other persons as the director of titles may specify are parties to the proceedings before him.

17. Section 71 of the said Act is amended by adding s. 71, amended thereto the following subsection:

- (3) Where a charge is made or transferred to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada), and the charge or transfer of charge has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the chargee or transferee may be described in the charge or transfer of charge as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required. Trustees of pension funds
1970-71, c. 63 (Can.)

18. Section 78 of the said Act is amended by adding thereto s. 78, amended the following subsection:

- (2) Where a notice, caution, inhibition or restriction is registered, every registered owner of the land and every person deriving title through him, excepting owners of encumbrances registered prior to the registration of such notice, caution, inhibition or restriction, shall be deemed to be affected with notice of any unregistered estate, right, interest or equity referred to therein. Effect of registration

19. Subsection 3 of section 79 of the said Act is amended s. 79 (3), amended by striking out "or Northern Ontario Pipe Line Crown Corporation" in the fifth and sixth lines.

20. Section 86 of the said Act is amended by inserting after s. 86, amended "of" in the second line "or bar of dower in".

21. Section 88 of the said Act is repealed. s. 88, repealed

s. 97 (2),
amended

22.—(1) Subsection 2 of section 97 of the said Act is amended by inserting after “patent” in the fourth line “or articles”.

s. 97,
amended

(2) The said section 97 is amended by adding thereto the following subsections:

Exceptions

(6) Subsections 1, 2 and 4 of this section do not apply to,

R.S.O. 1970,
cc. 224, 226,
254

(a) a corporation that is licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*; or

R.S.C. 1970,
c. B-1

(b) a bank to which the *Bank Act* (Canada) applies; or

(c) a board, commission or other body all the members of which are appointed by the Governor General in Council or by the Lieutenant Governor in Council; or

R.S.O. 1970,
c. 284

(d) a municipality within the meaning of *The Municipal Act*; or

R.S.O. 1970,
c. 78

(e) an authority established under *The Conservation Authorities Act* or any predecessor of such Act.

Additional
exceptions

(7) The Lieutenant Governor in Council may, by regulation, designate corporations to which subsections 1, 2 and 4 of this section do not apply, in addition to those set out in subsection 6.

s. 98,
amended

23. Section 98 of the said Act is amended by adding thereto the following subsection:

Debentures

(10) A charge in the form of a debenture or similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

s. 115 (5),
repealed

24. Subsection 5 of section 115 of the said Act is repealed.

s. 121a,
enacted

25. The said Act is further amended by adding thereto the following section:

Issuance of
certificates
suspended

121a. Notwithstanding subsection 5 of section 105 and sections 117, 119, 120 and 121, the Lieutenant Governor in Council may by regulation provide that certi-

ificates shall not be issued under those sections or any of them during such period of time as is specified in the regulation.

26. Section 130 of the said Act is repealed.

s. 130,
repealed

27. Clause *a* of subsection 2 of section 141 of the said Act is repealed and the following substituted therefor:

s. 141 (2) (a),
re-enacted

- (a) where the death of the registered owner occurred after the 31st day of December, 1958, and before the 1st day of January, 1972; and

28. Sections 156 and 157 of the said Act are repealed.

ss. 156, 157,
repealed

29. Section 160 of the said Act is amended by striking out “subsection 10 of section 161 or under section 177” in the second and third lines and inserting in lieu thereof “subsection 10 of section 64, subsection 10 of section 161 or section 177 or 180”.

s. 160,
amended

30. The said Act is further amended by adding thereto the following section:

s. 160a,
enacted

160a.—(1) Except as provided by subsection 2, a plan of subdivision of land that is within a land titles division shall not be registered under *The Registry Act*.

Compulsory
registra-
tion of
subdivision
plans
R.S.O. 1970,
c. 409

- (2) Notwithstanding subsection 1, the director of titles may by his order endorsed thereon permit a plan of subdivision to be registered under *The Registry Act* where,

Exceptions

- (a) the land included in the plan is the whole or a part of the land included in a plan of subdivision registered for not more than ten years under *The Registry Act*, and the changes to be effected by the resubdivision are, in the opinion of the director of titles, of a minor nature;

- (b) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the operation of this Act was extended to the area in which the land is situate, and the plan is presented and accepted for registration within six months after that extension;

R.S.O. 1970,
c. 349

R.S.O. 1970,
c. 349

- (c) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the day on which this section came into force, and the plan is presented and accepted for registration within six months after that day.

s. 168,
amended

31. Section 168 of the said Act is amended by adding thereto the following subsection:

Effect of
chargee's
consent

- (2) The consent of a chargee to a plan of subdivision, when registered, discharges from the charge any land dedicated by the owner as a public highway and any land designated as a reserve that is transferred to the corporation of the municipality in which the land is situate.

s. 171 (2),
amended

32. Subsection 2 of section 171 of the said Act is amended by adding at the end thereof "with respect to approval thereof", so that the subsection shall read as follows:

Where
R.S.O. 1970,
c. 349 does
not apply

- (2) Plans of subdivision registered under section 162 and composite plans registered under section 164 are not subject to the provisions of *The Planning Act* with respect to approval thereof.

s. 172 (2),
re-enacted;
s. 172 (3),
repealed

33. Subsections 2 and 3 of section 172 of the said Act are repealed and the following substituted therefor:

Amendment
of plan

- (2) Notwithstanding subsection 1, a registered plan shall not be amended except under subsection 10 of section 161 or under section 163.

s. 173,
repealed

34. Section 173 of the said Act is repealed.

s. 182 (d),
amended

35. Clause *d* of section 182 of the said Act is amended by adding at the end thereof "and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration".

s. 184a,
enacted

36. The said Act is further amended by adding thereto the following section:

Penalty for
altering or
removing
records

184a. Any person, except the master of titles or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any land titles office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means or in any way adds to or takes from the contents of such book, record, plan or instrument, and any person who removes or attempts

to remove any such book, record, plan or instrument from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

37. Subsection 1 of section 185 of the said Act is amended s. 185 (1), amended by striking out "in Ontario" in the fourth line and in the fifth and sixth lines.

38. Subsection 4 of section 188 of the said Act is repealed. s. 188 (4), repealed

39. Section 189 of the said Act is repealed. s. 189, repealed

40. Except as otherwise provided, no provision of this Act affects the validity of any registration completed before such provision came into force. Validity of prior registrations not affected

41.—(1) This Act, except sections 27 and 30, comes into force on the day it receives Royal Assent. Commencement

(2) Section 27 shall be deemed to have come into force on the 1st day of January, 1972. Idem

(3) Section 30 comes into force on the 1st day of April, 1973. Idem

42. This Act may be cited as *The Land Titles Amendment Act, 1972*. Short title

CHAPTER 133

An Act to amend The Registry Act

*Assented to November 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 54, is further amended by adding thereto the following clause:

(la) “registrar” means a land registrar appointed under section 8 for a registry division.

2. Subsection 2 of section 4 of the said Act is amended by striking out “county or district described in section 1 of *The Territorial Division Act*” in the twelfth, thirteenth and fourteenth lines and inserting in lieu thereof “county, regional municipality and provisional judicial district”.

3. Section 5 of the said Act is repealed and the following substituted therefor:

5.—(1) Subject to subsection 2, the registry office for each registry division shall be located within the registry division.

(2) Notwithstanding subsection 1, the registry offices for the registry divisions of Carleton, Middlesex East, and Toronto Boroughs and York South may continue to be located in Ottawa, London and Toronto, respectively.

4. Section 7 of the said Act is amended by adding thereto the following subsection:

(2) In addition to the Assistant Director of Land Registration appointed under subsection 1, the director of titles appointed under *The Land Titles Act* is, *ex officio*, an Assistant Director of Land Registration

for the purposes of exercising the powers and performing the duties of an Assistant Director of Land Registration under this Act.

s. 8,
amended

5.—(1) Section 8 of the said Act is amended by inserting after “a” in the first line “land”.

Continuation
of appoint-
ments

(2) Every registrar holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 8 of *The Registry Act*, as amended by subsection 1.

s. 10 (4),
repealed

6. Subsection 4 of section 10 of the said Act is repealed.

s. 13a,
enacted

7. The said Act is amended by adding thereto the following section:

Land
registry
offices

13a.—(1) Every registry office, including every combined registry and land titles office, shall be known as a land registry office.

Registry
systems

(2) The system of registration under this Act shall be known as the registry system.

s. 14 (1),
re-enacted

8. Subsection 1 of section 14 of the said Act is repealed and the following substituted therefor:

Holiday
defined

(1) In this section, “holiday” means,

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*.

s. 18 (6),
pars. 6, 18,
repealed

9. Paragraphs 6 and 18 of subsection 6 of section 18 of the said Act are repealed.

s. 19 (6),
re-enacted

10. Subsection 6 of section 19 of the said Act is repealed and the following substituted therefor:

Instruments
to be
included in
copy of
abstract
index

(6) Where an abstract index is copied, every instrument, except an instrument to which section 65 applies, shall be copied, and the registrar shall carefully preserve the original abstract index and produce it upon demand.

s. 21,
repealed

11. Section 21 of the said Act is repealed.

12. Section 22 of the said Act is amended by adding ^{s. 22, amended} thereto the following subsections:

- (8) Notwithstanding subsections 2 and 6, a notice of, ^{Agreements and options}
- (a) an agreement of purchase and sale of land or an assignment thereof; or
 - (b) an option for the purchase of land or an assignment thereof,

may be registered if it complies with the regulations.

- (9) Subject to subsection 10, the registration of a notice ^{Expiry} under subsection 8 expires one year after the date of its registration.

- (10) The period of registration of a notice under subsection ^{Renewal} 8 may be extended from time to time by registering a renewal notice in the prescribed form and, unless the period is further extended, the registration of the renewal notice expires one year after the date of its registration.

- (11) A notice registered under subsection 8 or 10 shall be ^{Affidavit of bona fides} accompanied by an affidavit of *bona fides* in the prescribed form.

13. Clause *c* of section 34 of the said Act is repealed and ^{s. 34 (c), re-enacted} the following substituted therefor:

- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified under that Act; or ^{R.S.O. 1970, c. 88}
- (d) a copy of an instrument certified by the registrar or by a branch registrar under *The Personal Property Security Act*. ^{R.S.O. 1970, c. 344}

14. Section 39 of the said Act is repealed and the following ^{s. 39, re-enacted} substituted therefor:

39. A judgment in foreclosure or a final order of fore- ^{Registration of fore-closure orders, etc.} closure or an instrument purporting to be a conveyance of land under a power of sale contained in a mortgage shall not be registered until the mortgage and any assignment thereof have been registered.

15. Section 41 of the said Act is repealed.

^{s. 41, repealed}

s. 42 (1),
amended

16.—(1) Subsection 1 of section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by inserting after “person” in the seventh line “other than a corporation”.

s. 42 (10) (b),
re-enacted

(2) Clause *b* of subsection 10 of the said section 42 is repealed and the following substituted therefor:

- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the land as partnership property if they are so described in a registered conveyance of the land to them or in the instrument.

s. 43a,
enacted

17. The said Act is further amended by adding thereto the following section:

Proof of
compliance
with
R.S.O. 1970,
c. 349, s. 29

43a. An instrument to which section 29 of *The Planning Act* applies shall not be registered unless,

- (a) a consent under section 29 of *The Planning Act* in respect of the instrument is registered;
or
- (b) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the granting parties or by his solicitor, is attached thereto.

s. 44,
amended

18. Section 44 of the said Act is amended by adding thereto the following subsections:

Trustees of
pension funds

- (3) Notwithstanding subsection 2, where a mortgage is made or assigned to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada) and the mortgage or assignment has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the mortgagee or assignee may be described in the mortgage or assignment as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required.

1970-71,
c. 63 (Can.)

Debentures,
etc.

- (4) A mortgage in the form of a debenture or a similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

19.—(1) Clauses *b* and *c* of subsection 1 of section 46 of the said Act are repealed and the following substituted therefor: s. 46 (1) (b), re-enacted
: s. 46 (1) (c), repealed

- (b) except where the instrument is a plan of subdivision or other registered plan, shall cause it to be recorded on photographic film and in the proper index or indexes.

(2) Subsections 3 and 4 of the said section 46 are repealed and the following substituted therefor: s. 46 (3, 4), re-enacted

- (3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 17 and the regulations, shall be retained in the custody of the registrar in his office. Custody of registered instruments

- (4) Notwithstanding subsection 3, a registered instrument may be temporarily transferred to the custody of the director of titles or a land registrar in connection with an application under *The Certification of Titles Act* or *The Land Titles Act*. Idem
R.S.O. 1970, cc. 59, 234

20.—(1) Subclause ii of clause *a* of subsection 1 of section 50 of the said Act is repealed and the following substituted therefor: s. 50 (1) (a) (ii), re-enacted

- (ii) an affidavit stating that the testator died on or about a specified date, sworn by any person who has personal knowledge of that fact, or a death certificate under *The Vital Statistics Act* in respect of the death of the testator. R.S.O. 1970, c. 483

(2) Subsections 5, 6, 7 and 8 of the said section 50 are repealed and the following substituted therefor: s. 50 (5-7), re-enacted
: s. 50 (8), repealed

- (5) The Minister of Revenue may issue a certificate that all succession duties payable in respect of any land forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under *The Succession Duty Act* has been given, and upon registration of the certificate, it is not necessary that subsection 4 be complied with in respect of the land described in the certificate if the date of registration and registration number of the certificate are indicated in the body or margin of the instrument tendered for registration. Certificate under R.S.O. 1970, c. 449

- (6) Where, at the time of registration of a certificate under subsection 5, a notarial copy thereof is produced to the registrar, he shall endorse his certificate of registration upon and return the copy. Notarial copy of certificate

Consent, etc.,
required
only once

- (7) Notwithstanding anything in this section, a consent under subsection 4 or a certificate under subsection 5 is required only once in connection with the same property in the same estate.

s. 51 (1),
amended

21.—(1) Subsection 1 of section 51 of the said Act is amended by striking out “general” in the fourth line.

s. 51 (2),
re-enacted

(2) Subsection 2 of the said section 51 is repealed and the following substituted therefor:

Idem

(2) Subsection 1 applies only,

(a) where the death of the deceased person occurred after the 31st day of December, 1958 and before the 1st day of January, 1972; and

(b) where the instrument referred to in subsection 4 of section 50 was tendered for registration on or after the 1st day of January, 1970.

s. 54 (2-4),
re-enacted

22. Subsections 2, 3 and 4 of section 54 of the said Act are repealed and the following substituted therefor:

Duplicate
mortgage,
etc., must be
produced

(2) Subject to subsections 2a, 2b and 3, where a certificate of discharge is tendered for registration, the registered duplicate mortgage and the registered duplicate of any assignment thereof shall be produced to the registrar.

Where
duplicate
not required

(2a) Where one or more mortgages in addition to the mortgage being discharged were included in one assignment, it is not necessary to produce the registered duplicate assignment until the last of such mortgages is discharged.

Idem

(2b) Where the certificate does not completely discharge the mortgage, subsection 2 does not apply.

Where
duplicate
cannot be
produced

(3) Where a duplicate mortgage or a duplicate assignment cannot be produced, a declaration by a person having knowledge of the facts, giving the reasons therefor, may be produced in lieu of the duplicate.

Cancellation
and return
of duplicate

(4) The registrar shall, with a stamp bearing the words “Discharge Registered”, stamp each duplicate produced to him under subsection 2 across the certificate of registration, and shall return the duplicate to the person who produced it.

23. Subsection 1 of section 56 of the said Act is amended by striking out "1970" in the fourth line and inserting in lieu thereof "1971". s. 56 (1), amended

24. Sections 60 and 61 of the said Act are repealed and the following substituted therefor: ss. 60, 61, re-enacted

60. Where only part of the land mortgaged by a registered mortgage is to be discharged therefrom, a certificate of discharge, in the prescribed form, that includes a local description of the land, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. Partial discharge of mortgage
61. A certificate of discharge that conforms to this Act and the regulations is, when registered, as valid and effectual as a conveyance to the mortgagor, his heirs or assigns of his original estate in the mortgaged land or in the part thereof described in the certificate, as the case may be. Effect of registration of discharge of mortgage

25. Subsection 6 of section 63 of the said Act is amended by striking out "and the certificate shall be registered in the registry office in the same manner and for the same fee as a discharge of mortgage" in the eighth, ninth and tenth lines, so that the subsection shall read as follows: s. 63 (6), amended

- (6) Where a mortgage has been seized by a sheriff or bailiff of the small claims court or other officer in the manner provided by law, and the seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or other officer under whose hand notice of seizure has issued, may give a certificate directed to the registrar in whose office the notice of seizure is registered, to the effect that the seizure has been withdrawn, vacated or set aside, as the case may be. Notice of seizure of mortgage

26. Sections 65 and 66 of the said Act are repealed and the following substituted therefor: s. 65, re-enacted
s. 66, repealed

- 65.—(1) Where an instrument purporting to be a valid discharge of a mortgage or an instrument under section 26 has been registered for ten or more years, the land described in the mortgage or instrument, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or instrument or under any instrument relating exclusively thereto. Effect when discharge of mortgage registered for ten years

Effect when
discharge of
certain other
instruments
registered
for two
years

- (2) Where an instrument purporting to be a valid discharge of,
- (a) a certificate of *lis pendens*;
 - (b) a claim for a mechanics' lien;
 - (c) a certificate of action in respect of a mechanics' lien;
 - (d) a registered notice of a conditional sale contract;
 - (e) a registered gas or oil lease,

has been registered for two or more years, the land described in the certificate, claim, notice or lease, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the certificate, claim, notice or lease or under any instrument relating exclusively thereto.

Deleting
entries

- (3) The registrar may delete the entry in the abstract index,
- (a) of any instrument to which this section applies;
 - (b) of a notice of the granting of a pension registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section.

Idem

- (4) Notwithstanding subsection 3, the registrar shall not delete the entry of an instrument in the abstract index for a lot or part of a lot unless all the lot or part is free of claims under the instrument by virtue of the operation of subsection 1 or 2.

s. 73 (2),
amended

27.—(1) Subsection 2 of section 73 of the said Act is amended by adding “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*.

s. 73 (4),
re-enacted

(2) Subsection 4 of the said section 73 is repealed and the following substituted therefor:

Registration
deemed
notice

- (4) The registration of a notice under subsection 7 or 8 of section 22 or under section 113 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section.

28. Section 75 of the said Act is repealed.

s. 75,
repealed

29. Subsections 1 and 2 of section 76 of the said Act are repealed and the following substituted therefor:

s. 76 (1, 2),
re-enacted

- (1) Except in the manner hereinafter provided, after an instrument has been recorded, no alteration or correction shall be made to any entry previously made respecting the instrument. Corrections
- (2) The registrar shall immediately after becoming aware of any omission or error in recording cause to be made in red ink such entries, alterations or corrections as are requisite, and a memorandum stating the date of every such entry, alteration or correction, and the memorandum shall be signed by the registrar or his deputy. Method

30. Section 78 of the said Act is amended by adding thereto the following subsection:

s. 78,
amended

- (11) A plan of subdivision of land that is within an area to which *The Land Titles Act* applies shall not be registered under this Act, subject to subsection 2 of section 160a of *The Land Titles Act*. Where plans required to be registered under R.S.O. 1970, c. 234

31. The said Act is further amended by adding thereto the following section:

s. 78a,
enacted

78a.—(1) Subject to section 79, a deed or other conveyance or mortgage of land shall not be registered unless, Where reference plan required

- (a) the land is the whole part remaining to the owner of the land described in a registered conveyance to him;
- (b) the land consists of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision, judge's plan or municipal plan under section 89;
- (c) the land is the whole of a "PART" according to a previously recorded reference plan; or
- (d) the land is shown on a plan of survey, to be known as a "reference plan", prepared and deposited in accordance with the regulations.

- (2) The registrar, having regard to the circumstances, may order that subsection 1 does not apply in the case of a conveyance or mortgage mentioned in the order. Exception

s. 79,
re-enacted

32. Section 79 of the said Act is repealed and the following substituted therefor:

Where
registrar
may require
reference
plan

79.—(1) Where an instrument submitted for registration contains a description of land that in the opinion of the registrar is complex or vague, he may require a plan of survey of the land to be deposited as a “reference plan” before accepting the instrument for registration.

Saving

(2) Where the registrar is satisfied that compliance with a requirement made under subsection 1 would be unreasonable, having regard to the circumstances, he may accept, in lieu of a reference plan, a sketch of the land drawn to scale and including the distance from the land described in the instrument to one or more lot angles, attached to the instrument.

s. 86 (2),
repealed

33.—(1) Subsection 2 of section 86 of the said Act is repealed.

s. 86 (4),
re-enacted

(2) Subsection 4 of the said section 86 is repealed and the following substituted therefor:

Consent
to order
R.S.O. 1970,
c. 349

(4) An order under this section amending a plan that was approved under section 33 of *The Planning Act* or a predecessor thereof, where the plan was registered after the 27th day of March, 1946, shall not be made without the prior written consent of the Minister under that Act.

s. 87,
amended

34. Section 87 of the said Act is amended by inserting after “subdivision” in the fourth line, “judge’s plan or municipal plan under section 89 or deposited reference plan”.

s. 91 (4) (a),
re-enacted

35. Clause *a* of subsection 4 of section 91 of the said Act is repealed and the following substituted therefor:

(a) may require a consent within the meaning of subsection 1 of section 29 of *The Planning Act* to be attached to or endorsed on the instrument; or

.

s. 97 (*g, i*),
repealed

36.—(1) Clauses *g* and *i* of section 97 of the said Act are repealed.

s. 97,
amended

(2) The said section 97 is amended by adding thereto the following subsection:

Annual
report of
Director

(2) The Director shall make a report annually to the Minister on the administration of this Act and the Minister shall submit the report to the Lieutenant

Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

37. Section 101 of the said Act is repealed and the following ^{s. 101,} substituted therefor: ^{re-enacted}

101. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan, registered instrument or deposited document in any registry office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of any such book, record, plan, instrument or document, and any person who removes or attempts to remove any such book, record, plan, instrument or document from a registry office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. ^{Offence for unauthorized alteration or removal of records}

38. Section 103 of the said Act is repealed and the following ^{s. 103,} substituted therefor: ^{re-enacted}

103. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in the land titles system and the registry system and for integrating the records of those systems in land registry offices where both systems are operated, and may limit the application of any provision of the regulations to one or more registry or land titles divisions. <sup>Integration of land titles and registry records and procedures
R.S.O. 1970, c. 234</sup>

39. Subsections 3 and 4 of section 107 of the said Act are repealed and the following substituted therefor: <sup>s. 107 (3),
re-enacted
s. 107 (4),
repealed</sup>

- (3) The registrar shall enter in the abstract index against each lot or parcel mentioned in the requisition the words, "See Deposit No.", and, where the requisition refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot. ^{Entry in abstract}

40. Clause *b* of subsection 3 of section 112 of the said Act <sup>s. 112 (3) (b),
re-enacted</sup> is repealed and the following substituted therefor:

- (*b*) an instrument to which section 65 applies shall be deemed not to have been registered.

Validity
of prior
registrations
not affected

41. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-
ment

42.—(1) This Act, except sections 12, 17, 21, 30 and 31, comes into force on the day it receives Royal Assent.

Idem

(2) Section 21 shall be deemed to have come into force on the 1st day of January, 1972.

Idem

(3) Sections 30 and 31 come into force on the 1st day of April, 1973.

Idem

(4) Sections 12 and 17 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

43. This Act may be cited as *The Registry Amendment Act, 1972*.

CHAPTER 134

**An Act to establish
the McMichael Canadian Collection**

*Assented to November 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpreta-
tion

- (a) "Board" means the board of trustees of the Corporation;
- (b) "collection" means the art works and objects vested in the Corporation or Her Majesty the Queen in right of Ontario and held by the Corporation for exhibition or display;
- (c) "Corporation" means The McMichael Canadian Collection;
- (d) "lands of the Corporation" means the lands described in the Schedule hereto together with any lands designated in the regulations as lands of the Corporation, and includes all buildings and structures thereon;
- (e) "Minister" means the Minister of Colleges and Universities or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (f) "regulations" means the regulations made under this Act.

2.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of "The McMichael Canadian Collection".

McMichael
Canadian
Collection
established

- (2) The Corporation shall have a seal.

Seal

- Fiscal year (3) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.
- R.S.O. 1970,
c. 89, does
not apply (4) *The Corporations Act* does not apply to the Corporation.
- Appoint-
ments to
the Board **3.**—(1) Subject to section 18, the Lieutenant Governor in Council shall appoint the trustees of the Corporation who shall be the members of the Corporation from time to time and its board of trustees.
- Number of
trustees (2) The Board shall consist of not fewer than five and not more than nine trustees at any one time.
- Term of
office (3) A trustee may be appointed for a term not exceeding three years, but may be reappointed for one or more further terms.
- Chairman
and vice-
chairman (4) The Lieutenant Governor in Council shall designate one of the trustees as chairman and one of the trustees as vice-chairman of the Board.
- Chairman
to preside (5) The chairman shall preside at all meetings of the Board, and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.
- Quorum (6) A majority of the trustees for the time being constitutes a quorum of the Board.
- Powers of
Board **4.**—(1) The affairs of the Corporation shall be under the management and control of the Board, and the Board has all the powers necessary or convenient to perform its duties or to achieve the objects of the Corporation.
- By-laws (2) The Board may make by-laws regulating its proceedings and generally for the conduct and management of its internal affairs, and *The Regulations Act* does not apply to any such by-law.
- R.S.O. 1970,
c. 410
- Committees (3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.
- Director (4) Subject to section 18, the Board shall, with the approval of the Minister, appoint a director who may, but need not necessarily, be a trustee of the Board, and may with the approval of the Minister, remove the director, and the director shall be responsible for the management and administration of

the Corporation, subject to the supervision and direction of the Board.

(5) The Board may appoint such employees as it considers ^{Staff} necessary from time to time for the proper conduct of the business of the Corporation, and may fix and pay their salaries or other remuneration and benefits and provide for the retirement and superannuation of such employees.

5.—(1) The Corporation is for all purposes an agent of Her ^{Corporation} Majesty, and its powers may be exercised only as an agent of ^{Crown} Her Majesty ^{agency}.

(2) All real and personal property acquired by the Corpora- ^{Property} tion is the property of Her Majesty, and title thereto and ownership thereof may be vested in the name of Her Majesty or in the name of the Corporation.

6. The objects of the Corporation are, ^{Objects}

- (a) to hold, manage, control, maintain, exhibit, display, develop and stimulate interest in the collection for the benefit of the public;
- (b) to hold and preserve the lands described in the Schedule as a permanent site for a public gallery and related facilities for the collection;
- (c) to maintain and operate the gallery mentioned in clause *b*; and
- (d) to hold, manage, control, maintain, preserve, administer and develop the lands of the Corporation in conjunction with the operation of the gallery and for the benefit of the public.

7. The Board shall ensure that the art works and objects ^{Nature of art} acquired from time to time as part of the collection are not ^{works, etc.,} inconsistent with the general character of the collection at the ^{acquired} time of such acquisition.

8. The Corporation may, ^{Powers of} Corporation

- (a) acquire by purchase, gift, grant, bequest, lease or otherwise and hold in its own name any money and any property;
- (b) expend, administer or dispose of any such money or property in furtherance of its objects, subject to the terms, if any, upon which such money or property

was given, granted, bequeathed, leased or otherwise acquired by the Corporation;

- (c) with the approval of the Lieutenant Governor in Council, erect buildings and structures on the lands of the Corporation;
- (d) establish and operate facilities on the lands of the Corporation for,
 - (i) the sale of food, beverages, books, art reproductions, artifacts and other wares, and
 - (ii) the parking of vehicles;
- (e) with the approval of the Lieutenant Governor in Council, establish and collect general admission fees and special admission fees for any exhibition, program or special event conducted by the Corporation, and fees for the parking of vehicles;
- (f) loan any part of the collection to any person for public exhibition, provided that at all times a substantial part of the collection shall be on exhibition at the Corporation gallery;
- (g) conduct exhibitions, programs and special events on the lands of the Corporation;
- (h) borrow money for the purposes of carrying out the objects of the Corporation where a guarantee is provided under section 13;
- (i) enter into agreements in furtherance of the objects of the Corporation or for the purpose of carrying out any of the powers of the Corporation;
- (j) provide for the interment, in that portion of the lands of the Corporation established as a cemetery under *The Cemeteries Act*, of the remains of any artist whose works are included in the collection, or of the remains of the spouse of any such artist.

R.S.O. 1970,
c. 57

Special
fund

9.—(1) The Board shall establish and maintain a special fund which shall consist of,

- (a) all moneys received by the Corporation expressly for allocation thereto;
- (b) all moneys received from the sale of any art work belonging to the Corporation;

(c) all net profits from the sale of books, art reproductions, copyrights, artifacts and other wares by the Corporation; and

(d) the income of the special fund.

(2) The Board may invest the moneys deposited in the special fund but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario. ^{Investment}

(3) The Corporation shall not expend any of the moneys in the special fund except for investment under subsection 2 or for the acquisition of art works and objects for the collection. ^{Expenditures}

10.—(1) The Board shall establish and maintain a general fund which shall consist of grants receivable under this Act and such moneys, other than moneys referred to in subsection 1 of section 9, received by the Corporation from any source. ^{General fund}

(2) The Corporation may disburse, expend or otherwise deal with any of its general fund for the purposes of the objects of the Corporation, other than that of acquiring works of art and objects for the collection, and for the purpose of defraying any expenses incurred in carrying out such objects. ^{Expenditures}

11.—(1) Subject to subsection 2, a trustee shall not receive remuneration for his services but shall be reimbursed out of the general fund of the Corporation for his proper travelling and other expenses incurred in the work of the Board. ^{Remuneration, trustees}

(2) The director of the Corporation shall receive such remuneration as the Lieutenant Governor in Council may determine, payable out of the general fund of the Corporation. ^{Idem, director}

12. The Minister may make grants of money to the Corporation upon such terms and conditions as he considers advisable. ^{Grants}

13.—(1) The Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation, or any part thereof together with interest thereon, borrowed for the purpose of carrying out the objects of the Corporation. ^{Guarantee of loans}

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and upon being so signed, the Province of Ontario is liable for the payment of the ^{Form of guarantee}

loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of
guarantee

(3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Tax
exemption

14. The real and personal property vested in the Corporation and any lands and premises leased to or occupied by the Corporation are not liable to taxation for municipal or school purposes so long as they are actually used and occupied for the purposes of the Corporation.

Audit

15. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Board and to the Minister.

Annual
report

16. The Board shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Regulations

17.—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating any lands acquired by the Corporation as lands of the Corporation;
- (b) governing and regulating the conduct of persons on the lands of the Corporation;
- (c) governing and regulating vehicular traffic on the lands of the Corporation, and prohibiting the use of any class or classes of vehicles thereon; and
- (d) for any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offence

(2) Any person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500.

Robert
McMichael
and Signe
McMichael

18. Notwithstanding anything in this Act,

- (a) Robert McMichael shall be a trustee of the Board until such time as he is unable or unwilling to be a trustee;

- (b) Signe McMichael shall be a trustee of the Board until such time as she is unable or unwilling to be a trustee;
- (c) the said Robert McMichael shall be the director and shall hold such office during pleasure of the Lieutenant Governor in Council;
- (d) the said Robert McMichael and Signe McMichael are each entitled for life to reside in the premises situate on the lands described in the Schedule, and the Board shall make due provision therefor; and
- (e) the said Robert McMichael and Signe McMichael are each entitled to have their remains interred in the cemetery referred to in clause *j* of section 8, and the Board shall make provision therefor.

19. The moneys required for the purposes of section 12 ^{Moneys} shall, until the 31st day of March, 1973, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

20. This Act comes into force on a day to be named ^{Commence-} by the Lieutenant Governor by his proclamation. ^{ment}

21. This Act may be cited as *The McMichael Canadian* ^{Short title} *Collection Act, 1972.*

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Vaughan, in The Regional Municipality of York (formerly in the Township of Vaughan, in the County of York) and Province of Ontario, being composed of part of Lot Twenty-three in the Eighth concession in the said Town of Vaughan, the boundaries of which said parcel may more particularly be described as follows, and

PREMISING that the Eastern limit of the said Lot Twenty-three has a governing bearing of North 8°24'00" West, and relating all bearings quoted herein thereto;

PARCEL "A"

COMMENCING at an iron bar planted in the existing Northerly limit of the said Lot Twenty-three, distant 716.66 feet measured Westerly thereon from a standard iron bar planted marking the Northeasterly angle of the said Half Lot;

THENCE South 73°43'40" West along the last said existing limit 715.16 feet, more or less, to an iron tube found planted at an angle therein;

THENCE South 72°32'50" West continuing along the last said limit 73.12 feet, more or less, to an iron tube found planted at the intersection thereof with the centre line of the easement to The Hydro-Electric Power Commission of Ontario;

THENCE South 1°40'10" East along the said centre line 698.26 feet to an iron bar planted;

THENCE North 81°22'20" East 587.54 feet to an iron bar planted;

THENCE North 42°54'30" East 450.11 feet to an iron bar planted;

THENCE North 16°45'30" West 524.69 feet, more or less, to the point of commencement.

SUBJECT TO AT ALL TIMES an easement in favour of The Hydro-Electric Power Commission of Ontario over the Westerly 75.00 feet, measured at right angles of the hereinbefore described Parcel "A" and which said Parcel contains by admeasurement 13,801 acres more or less, as shown on Plan of Survey by A. Death, OLS, January 8, 1959.

PARCEL "B"

COMMENCING at an iron tube found planted in the centre line of the easement to The Hydro-Electric Power Commission of Ontario, which line defines the Westerly limit of the above described parcel, the said iron tube is distant 679.48 feet measured Northerly therealong said centre line from its intersection with the existing limit between Lots Twenty-two and Twenty-three;

THENCE South 72°30'40" West, 1840.67 feet to an iron tube found planted in the Easterly limit of the Kleinberg Road;

THENCE North 30°07'20" West along the last said limit 25.64 feet to an iron tube found planted in the same;

THENCE North 72°30'40" East, 1853.35 feet to an iron tube found planted in the centre line of said Hydro-Electric Power Commission easement;

THENCE South $1^{\circ}40'10''$ East along the last said line, 25.98 feet, more or less, to the point of commencement;

SUBJECT TO AT ALL TIMES an easement in favour of The Hydro-Electric Power Commission of Ontario over the Easterly 75.00 feet, measured at right angles of the hereinbefore described Parcel "B" and which said parcel is shown on Plan of Survey by A. Death, OLS, January 8, 1959.

CHAPTER 135

**An Act to amend The Ministry of
Agriculture and Food Act**

*Assented to November 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5a of *The Ministry of Agriculture and Food Act*, ^{s. 5a, re-enacted} being chapter 109 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 82, section 1, is repealed and the following substituted therefor:

5a.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan or loans or any part thereof, together with interest thereon, made to farmers for the encouragement of any branch of agriculture or food and any such guarantee may, without limiting the generality of the foregoing,

(a) limit the amount of any individual loan to which the guarantee shall apply;

(b) define the class or classes of farmers to whom any such loan may be made; and

(c) define the purposes for which application may be made by farmers for any such loan.

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs who may sign as Treasurer of Ontario, or by such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario

is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment
of interest

- (3) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee.

Payment of
guarantee,
interest

- (4) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee or to provide for payment of interest under subsection 3, and to advance the amount necessary for that purpose out of the public funds of the Province.

Payment of
loss sustained

- (5) Where a guarantee is given under subsection 1, the Lieutenant Governor in Council may, subject to such terms and conditions as he may prescribe, authorize the payment by the Province of Ontario out of the moneys appropriated therefor by the Legislature, of the whole or any part of the loss sustained by a person to whom a guarantee is given in collecting or attempting to collect moneys payable under a loan that is made pursuant to a guarantee and that is in default.

Payment of
loss limited

- (6) Payment of loss under subsection 5 is limited to,
- (a) fees, disbursements, allowances or charges owing by the person to whom the guarantee is given to his solicitor respecting matters for which costs may be taxed under the Rules of Practice of the Supreme Court of Ontario; and
 - (b) expenses, other than those referred to in clause a, that are reasonably and necessarily incurred in the course of collecting or attempting to collect moneys payable under a loan that is made pursuant to the guarantee and that is in default.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

3. This Act may be cited as *The Ministry of Agriculture and Food Amendment Act, 1972 (No. 2)*.

CHAPTER 136

**An Act to amend The Secondary
Schools and Boards of Education Act**

*Assented to November 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Secondary Schools and Boards of Education Act*, being chapter 425 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 8 (1),
re-enacted

- (1) The provisions of section 31 in respect of the estimates of all sums required during the year for secondary school purposes by a board of a school division apply *mutatis mutandis* to the board of a secondary school district that is not a school division.

Estimates

2. Subsection 5 of section 27 of the said Act is amended by striking out "the preparation of a voters' list and" in the sixth and seventh lines.

s. 27 (5),
amended

3. Section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 75, section 7, is further amended by adding thereto the following subsections:

s. 31,
amended

- (1b) The limitation on the sum that a board may allocate to a reserve fund under clause *d* of subsection 1 does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements.
- (1c) The limitation on the sum that a board may include in its estimates for expenditures for permanent improvements under clause *d* of subsection 1 does not apply to expenditures from revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent

Reserve fund
limitation
exception

Permanent
improvement
limitation
exception

improvements or to an expenditure from a reserve fund for the purpose for which such fund was established.

.

Expenditure
of reserve
fund moneys

- (5) The moneys raised for, or held in, a reserve fund by a board shall not, without the approval of the Minister, be expended, pledged or applied to any purpose other than that for which the fund was established and subsection 4 of section 308 of *The Municipal Act* does not apply to such moneys.

R.S.O. 1970,
c. 284

s. 38 (16) (a),
amended

4. Clause *a* of subsection 16 of section 38 of the said Act is amended by striking out "territory without municipal organization" in the third and fourth lines and inserting in lieu thereof "a territorial district".

s. 38a,
enacted

5. The said Act is amended by adding thereto the following section:

Effect of
boundary
change on
elections

- 38a. Where the boundaries of a school division are to be altered effective on the first day of January next following the election of members of the board of the school division, the boundaries of the school division shall be deemed to have been so altered for all purposes relating to such election.

s. 80,
enacted

6. The said Act is amended by adding thereto the following section:

Operation of
school for
trainable
retarded by
board not
in school
division

- 80.—(1) Where a school section in a territorial district is not a school division and includes all or part of a Roman Catholic separate school zone and the total enrolment of the pupils in the public schools in such section and in the separate schools in such zone exceeds 300, the public school board, with the approval of the Minister, may establish and operate a school or class for trainable retarded children and, except as otherwise provided in this section, this Part, except sections 70, 71 and 76, applies *mutatis mutandis* in respect of such school or class.

Advisory
committee

- (2) Notwithstanding subsections 1 and 2 of section 73, the board that operates a school or class for trainable retarded children under subsection 1 shall establish an advisory committee for trainable retarded children consisting of,

- (a) two members appointed by such board from among its members;

- (b) one member appointed by the board of the separate school zone referred to in subsection 1 from among its members; and
- (c) two members appointed by the local association or, where no local association has been established, two members appointed by the board that operates the school or class, who shall not be members of such board.

7.—(1) This Act, except sections 1, 3, 4 and 5, comes into ^{Commence-}force on the day it receives Royal Assent.^{ment}

(2) Sections 4 and 5 shall be deemed to have come into ^{Idem}force on the 1st day of July, 1972.

(3) Sections 1 and 3 come into force on the 1st day of ^{Idem}January, 1973.

8. This Act may be cited as *The Secondary Schools and Boards* ^{Short title}*of Education Amendment Act, 1972 (No. 2).*

CHAPTER 137

**An Act to amend
The Separate Schools Act**

*Assented to November 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 15 of section 25 of *The Separate Schools Act*, <sup>s. 25 (15),
amended</sup> being chapter 430 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 70, section 1, is amended by striking out "determined under section 71 of *The Assessment Act*" in the tenth and eleventh lines and inserting in lieu thereof "provided by the Minister".

2. The said Act is amended by adding thereto the following <sup>s. 48,
enacted</sup> section:

48. The provisions of *The Municipal Elections Act*, <sup>Corrupt
practices
1972, c. 95</sup> 1972 in respect of the validity of elections and corrupt practices apply to the election of trustees.

3. Section 65 of the said Act, as amended by the Statutes <sup>s. 65,
re-enacted</sup> of Ontario, 1972, chapter 76, section 21, is repealed and the following substituted therefor:

65.—(1) Every separate school board shall prepare ^{Estimates} and adopt estimates of all sums required during the year for separate school purposes, and the provisions of section 31 of *The Secondary Schools and Boards of Education Act* in respect of the preparation and adoption of the estimates of all sums required for public school purposes by a board of a school division apply *mutatis mutandis* to a separate school board for separate school purposes. <sup>R.S.O. 1970,
c. 425</sup>

(2) Where rates or taxes in respect of separate schools <sup>Where cost
of separate
levy payable
by board</sup> are levied and collected by the council of a municipality under section 71 and the separate school board is unable in any year to submit to the council on or

before the first day of March 'the rates required by the separate school board to be levied and collected in the municipality for separate school purposes, the later submission thereof does not relieve the council of its duty under section 71 to levy and collect such rates, and, where the municipality is required, by reason of such later submission, to levy such rates by a separate levy from the amount levied for municipal purposes, the separate school board on the request of the treasurer of the municipality, shall, notwithstanding subsection 2 of section 71, pay to the treasurer the cost of levying such rates.

Application
of R.S.O. 1970,
c. 284, s. 307 (5)

(3) Subsection 5 of section 307 of *The Municipal Act* does not apply to separate school boards.

s. 80 (1) (i),
amended

R.S.O. 1970,
c. 405

4.—(1) Clause *i* of subsection 1 of section 80 of the said Act is amended by adding at the end thereof "for the purposes of that Act or under *The Regional Municipal Grants Act* for the purposes of that Act".

s. 80,
amended

(2) The said section 80, as amended by the Statutes of Ontario, 1972, chapter 76, section 26, is further amended by adding thereto the following subsection:

Duties of
secretary of
board re
school
support

R.S.O. 1970,
c. 284

(6a) In respect of territory without municipal organization referred to in subsection 6 that is part of a school division, the secretary of the board of the school division shall exercise the powers and perform the duties of the clerk of a municipality under subsections 2a to 21 of section 516 of *The Municipal Act* for the purposes of the district combined separate school board.

s. 90a,
enacted

5. The said Act is further amended by adding thereto the following section:

Effect of
boundary
change on
election

90a. Where the boundaries of an area designated under subsection 2 of section 81 are to be altered effective on the first day of January next following the election of members of the county or district combined separate school board for the area, the boundaries of such area shall be deemed to have been so altered for all purposes relating to such election.

Commence-
ment

6.—(1) This Act, except sections 1, 3, 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 5 shall be deemed to have come into force on the 1st day of July, 1972.

(3) Sections 1 and 3 come into force on the 1st day of ^{Idem} January, 1973.

7. This Act may be cited as *The Separate Schools Amendment* ^{Short title}
Act, 1972 (No. 2).

CHAPTER 138

**An Act to amend
The Business Corporations Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 19 of subsection 1 of section 1 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “or any other individual who performs functions for the corporation similar to those normally performed by an individual occupying any such office”. s. 1 (1), par. 19, amended

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph: s. 1 (1), amended

23a. “resident Canadian” means a Canadian citizen who is ordinarily resident in Canada.

(3) Subparagraph ii of paragraph 26 of subsection 1 of the said section 1 is amended by adding at the end thereof “or their attorney authorized in writing”. s. 1 (1), par. 26, subpar. ii, amended

(4) Subparagraph ii of paragraph 27 of subsection 1 of the said section 1 is amended by adding at the end thereof “or their attorney authorized in writing”. s. 1 (1), par. 27, subpar. ii, amended

(5) Subsection 9 of the said section 1, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 2, is repealed and the following substituted therefor: s. 1 (9), re-enacted

(9) For the purposes of this Act, a body corporate is offering its securities to the public only where, Offering securities to public

(a) in respect of any of its securities a prospectus, statement of material facts or securities exchange take-over bid circular has been filed under *The Securities Act*, or any predecessor R.S.O. 1970, c. 426

thereof, or in respect of which a prospectus has been filed under *The Corporations Information Act*, being chapter 72 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, so long as any of such securities are outstanding or any securities into which such securities are converted are outstanding; or

- (b) any of its shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

except that where, upon the application of a body corporate that has fewer than fifteen security holders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

s. 6,
re-enacted

2. Section 6 of the said Act is repealed and the following substituted therefor:

Number
as name

- 6.—(1) Upon the request of the incorporators or the corporation, the Minister may determine and assign a number in a proposed corporate name.

Idem

- (2) Where the Minister assigns a number under subsection 1, the name of the corporation shall consist of the number followed by the word "Ontario" and the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." as the last word thereof.

Amendment

- (3) Where, through inadvertence or otherwise, the Minister has assigned a number in the name of a corporation that is the same as the number in the name of any other body corporate, the Minister may issue a certificate of amendment to the articles changing the name of the corporation to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

s. 8 (1),
amended

3. Subsection 1 of section 8 of the said Act is amended by inserting after "corporation" in the first line "except a corporation to which the Minister has assigned a number as part of the name of the corporation".

4. Section 10 of the said Act is amended by renumbering ^{s. 10,} subsections 1 and 2 as 2 and 3, respectively, and by adding thereto the following subsection:

- (1) The name of a corporation shall have the word ^{Use of} "Limited", "Incorporated" or "Corporation" or its ^{"Limited",} corresponding abbreviation "Ltd.", "Inc." or "Corp." <sup>"Incor-
porated", etc.</sup> as the last word thereof.

5.—(1) Subsection 1 of section 11 of the said Act is ^{s. 11 (1),} amended by striking out "sixty" in the fourth line and inserting in lieu thereof "ninety".

(2) The said section 11 is further amended by adding ^{s. 11,} thereto the following subsection:

- (3) No person may reserve a corporate name to which ^{Idem} section 6 applies.

6. Paragraph 17 of subsection 2 of section 15 of the said Act ^{s. 15 (2), par. 17,} is repealed and the following substituted therefor: ^{re-enacted}

17. where authorized to do so by a special resolution and by such additional authorization as the articles provide, to sell, lease, exchange or otherwise dispose of all or substantially all the property of the corporation for such consideration as the corporation thinks fit.

7. Subsection 2 of section 17 of the said Act is amended ^{s. 17 (2),} by striking out "or" at the end of clause *c*, by adding "or" ^{amended} at the end of clause *d* and by adding thereto the following clause:

- (e) if it is not offering its securities to the public, give directly or indirectly by means of a loan, guarantee, the provision of security or otherwise, financial assistance to any of its shareholders or directors with a view to enabling them to purchase issued shares of the corporation.

8.—(1) Subsection 2 of section 26 of the said Act is amended ^{s. 26 (2),} by inserting at the commencement thereof "Except as pro-^{amended}vided in subsection 1 of section 37".

(2) Subsection 3 of the said section 26 is amended by ^{s. 26 (3),} inserting at the commencement thereof "Except as provided ^{amended}in subsection 1 of section 37".

s. 27 (1) (f),
re-enacted

9. Clause *f* of subsection 1 of section 27 of the said Act is repealed and the following substituted therefor:

- (f) the right of the corporation at its option to redeem all or part of the shares of the class or the right of a shareholder at his option to require the redemption of all or part of his shares of the class.

s. 34 (1),
amended

10. Subsection 1 of section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 6, is amended by inserting after "redeemable" in the second line "at the option of the corporation".

s. 37 (1),
re-enacted

11. Subsection 1 of section 37 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 8, is repealed and the following substituted therefor:

Mutual
fund shares

- (1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of special shares that are mutual fund shares and fractions or parts thereof that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof, and where a corporation to which this section applies has one or more classes of mutual fund shares of which one class has attached thereto no conditions, restrictions, limitations or prohibitions on the right to vote, the corporation is not required to have any other class of shares.

s. 38 (3),
repealed

12. Subsection 3 of section 38 of the said Act is repealed.

s. 39,
re-enacted

13. Section 39 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 9, is repealed and the following substituted therefor:

Purchase of
common
shares

- 39.—(1) A corporation may purchase any of its issued shares if the purchase is made for the purpose of eliminating fractions of shares or for the purpose of collecting or compromising indebtedness to the corporation.

Idem

- (2) Where authorized in its articles and subject to any restrictions contained therein, a corporation may purchase any of its issued common shares.

- (3) A corporation shall not purchase shares under this^{Idem} section if the corporation is insolvent or if the purchase would render the corporation insolvent.
- (4) No purchase of shares shall be made under this^{Idem} section by a corporation unless the purchase is authorized by a resolution of the board of directors.
- (5) Where a corporation purchases shares under sub-^{Method of purchase}section 2, the purchase shall be made at the lowest price at which, in the opinion of the directors, such shares are obtainable, and,
- (a) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders; or
 - (b) from *bona fide* full-time employees and former employees of the corporation; or
 - (c) where the shares to be purchased are of a body corporate that is offering its shares to the public, by purchase on the open market.
- (6) Where, in response to the invitation for tenders, two^{Idem} or more shareholders submit tenders at the same price and the tenders are accepted by the corporation as to part only of the shares offered, the corporation shall accept part of the shares offered in each tender in proportion as nearly as may be to the total number of shares offered in each tender.

14. Sections 40, 41 and 42 of the said Act are repealed and^{ss. 40, 41, 42, re-enacted} the following substituted therefor:

- 40.—(1) Shares or fractions thereof purchased under sub-^{Cancellation on purchase}section 1 of section 39 are thereby cancelled and the authorized and issued capital are thereby decreased and the articles are amended accordingly.
- (2) Where its issued common shares are purchased by a^{Cancellation or resale} corporation under subsection 2 of section 39, where mutual fund shares are accepted for surrender by a corporation under section 37, where a corporation accepts the donation of any of its shares under section 43, or where a corporation purchases the shares of a dissenting shareholder under section 100,
- (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the corporation are thereby

decreased, and the articles are amended accordingly;

(b) if the articles do not require the shares to be cancelled,

(i) the board of directors may cancel the shares at such time as it determines, in which case the authorized and issued capital of the corporation are thereby decreased and the articles are amended accordingly; or

(ii) the board of directors may resell the shares at such time and price and on such terms as it determines.

Corporation
insider re
purchase and
resale of
own shares

41. Where a corporation purchases its issued common shares under subsection 2 of section 39, accepts a donation of any of its shares under section 43, purchases any of its shares under section 100, or resells them, the corporation shall be deemed to be an insider in respect of the purchase or resale, and sections 148 to 152 apply to the purchase or resale.

Performance
of agreement
to purchase
shares

42. An agreement for the purchase by a corporation of its shares under section 39 is not invalid or unenforceable because of the possibility that the corporation may not be able to comply with section 39, but such agreement is,

(a) subject to subsection 2 of section 135, valid if performed; and

(b) if not performed, valid and enforceable to the extent the corporation is able to purchase its shares at the time for performance.

s. 43 (2),
repealed

15. Subsection 2 of section 43 of the said Act is repealed.

s. 57,
re-enacted

16. Section 57 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 15, is repealed and the following substituted therefor:

Interpre-
tation

57.—(1) In this section and in sections 58 to 62,

(a) “trust indenture” means any deed, indenture or document howsoever designated, including any supplement or amendment thereto, by the terms of which a body corporate issues

or guarantees debt obligations and in which a trustee is appointed as trustee for the holders of the debt obligations issued or guaranteed thereunder;

- (b) "trustee" means any person appointed as trustee under the terms of a trust indenture, whether or not the person is a trust company authorized to carry on business in Ontario;
- (c) "event of default" means any event specified in a trust indenture on the occurrence of which,
 - (i) the security interest, if any, constituted by the trust indenture shall become enforceable, or
 - (ii) the principal, interest and other moneys payable thereunder shall become or may be declared to be payable prior to maturity,

provided that any such event shall not be an event of default unless all conditions prescribed by the trust indenture in connection with such event for the giving of notice or the lapse of time or otherwise has been satisfied.

- (2) Sections 57 to 62 apply to a trust indenture, whether entered into before or after the date on which this Act comes into force, if, in respect of any of the debt obligations outstanding or guaranteed thereunder or to be issued or guaranteed thereunder, a prospectus or securities exchange take-over bid circular has been filed under *The Securities Act* or any predecessor thereof or in respect of which a prospectus has been filed under *The Corporations Information Act*, being chapter 72 of the Revised Statutes of Ontario, 1960, or any predecessor thereof. Application of ss. 57 to 62

- (3) The person appointed as trustee under a trust indenture, or at least one of such persons if more than one is so appointed, shall be resident or authorized to do business in Ontario. Resident trustee

17. Sections 58, 59, 60, 61 and 62 of the said Act are repealed and the following substituted therefor: ss. 58-62, re-enacted

- 58.—(1) In the exercise of the rights and duties prescribed or conferred by the terms of a trust indenture, a trustee shall exercise that degree of care, diligence and skill that a reasonably prudent trustee would exercise in comparable circumstances. Duty of trustees

Exculpatory
clauses

- (2) The provisions of this section apply notwithstanding any provision in a trust indenture, including any provision relieving or purporting to relieve a trustee from liability for his own negligent action or failure to act or his own wilful misconduct.

Conflict of
interest

59. A person shall not be appointed a trustee under a trust indenture if a material conflict of interest exists in the trustee's role as a fiduciary thereunder at the time of such appointment, but if, notwithstanding the provisions of this section, such a material conflict of interest exists, the validity and enforceability of the said trust indenture, the security interest created thereby and thereunder and the securities issued thereunder shall not be affected in any manner whatsoever by reason only that such material conflict of interest exists but such trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office, and where a material conflict of interest arises subsequently to the appointment of the trustee under a trust indenture, the trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office.

Evidence of
compliance

- 60.—(1) The issuer or guarantor of debt obligations issued or to be issued under a trust indenture shall furnish to the trustee evidence of compliance with the conditions precedent provided for in the trust indenture relating to,
- (a) the certification and delivery of debt obligations under the trust indenture;
 - (b) the release or release and substitution of property subject to any mortgage, charge, lien or other encumbrance created by the trust indenture;
 - (c) the satisfaction and discharge of the trust indenture; or
 - (d) the taking of any other action to be taken by the trustee at the request of or on the application of the issuer or guarantor.

Idem

- (2) The evidence of compliance required under subsection 1 shall consist of,
- (a) a statutory declaration or a certificate made by any officer of the issuer or guarantor

stating that such conditions precedent have been complied with in accordance with the terms of the trust indenture;

- (b) in the case of conditions precedent compliance with which are, by the trust indenture, made subject to review or examination by a solicitor, an opinion of a solicitor that such conditions precedent have been complied with in accordance with the terms of the trust indenture; and
- (c) in the case of conditions precedent compliance with which are, by the trust indenture, made subject to review or examination by auditors or accountants, an opinion or report of the auditor of the issuer or guarantor or any accountant licensed under *The Public Accountancy Act* or R.S.O. 1970, c. 373 comparable legislation of the jurisdiction in which such accountant practises, in each case approved by the trustee, that such conditions precedent have been complied with in accordance with the terms of the trust indenture.

(3) The evidence of compliance required under subsection ^{Idem} 1 shall include,

- (a) a statement by the person giving the evidence that he has read and is familiar with those provisions of the trust indenture relating to the conditions precedent with respect to compliance with which such evidence is being given;
- (b) a brief statement of the nature and scope of the examination or investigation upon which the statements or opinions contained in such evidence are based;
- (c) a statement that, in the belief of the person giving such evidence, he has made such examination or investigation as is necessary to enable him to make the statements or give the opinions contained or expressed therein; and
- (d) a statement whether in the opinion of such person the conditions precedent with respect to compliance with which such evidence is being given have been complied with or satisfied.

Certificate of
issuer or
guarantor

- (4) The issuer or guarantor of debt obligations under the trust indenture shall furnish the trustee annually, and at any other reasonable time if the trustee so requires, its certificate that the issuer or guarantor has complied with all covenants, conditions or other requirements contained in the trust indenture, the non-compliance with which would, with the giving of notice or the lapse of time, or both, or otherwise, constitute an event of default thereunder, or if such is not the case, specifying the covenant, condition or other requirement that has not been complied with and giving particulars of such non-compliance.

Evidence of
compliance

- (5) The issuer or guarantor of debt obligations under the trust indenture shall, whenever the trustee so requires, furnish the trustee with evidence by way of statutory declaration, opinion, report or certificate as specified by the trustee as to any action or step required or permitted to be taken by the issuer or guarantor under the trust indenture or as a result of any obligation imposed by the trust indenture.

Reliance on
opinions

- (6) In the exercise of his rights and duties, the trustee may, if he is acting in good faith, rely, as to the truth of the statements and the accuracy of the opinions expressed therein, upon a statutory declaration, opinion, report or certificate furnished to the trustee under this section or a provision of the trust indenture or at the request of the trustee where,

(a) in the case of a statutory declaration, opinion, report or certificate furnished under this section, the trustee examines the same and determines that it complies with the applicable requirements, if any, of this section; or

(b) in the case of a statutory declaration, opinion, report or certificate furnished pursuant to a provision of the trust indenture or at the request of the trustee, the trustee examines the same and determines that it complies with the applicable requirements, if any, of the trust indenture.

Trustee
not to be
receiver

61. A trustee under a trust indenture and any related person to such trustee shall not be appointed a receiver or receiver and manager or liquidator of the assets or undertaking of the issuer or guarantor of the debt obligations under the trust indenture.

62. The trustee shall be required to give to the holders of debt obligations issued under the trust indenture, within a reasonable time but not exceeding thirty days after the trustee becomes aware of the occurrence thereof, notice of every event of default arising under the trust indenture and continuing at the time the notice is given, unless the trustee in good faith determines that the withholding of such notice is in the best interests of the holders of the debt obligations and so advises the issuer in writing.

Notice of
events of
default

18. Clause *i* of subsection 1 of section 63 of the said Act is repealed and the following substituted therefor:

s. 63 (1) (i),
re-enacted

- (i) “security” means a document that evidences a security or that is a warrant.

19. Clause *b* of subsection 2 of section 68 of the said Act is repealed and the following substituted therefor:

s. 68 (2) (b),
re-enacted

- (b) of any security not accepted by the buyer if its resale would be unduly burdensome or there is no readily available market.

20. Section 93 of the said Act is amended by adding thereto the following subsection:

s. 93,
amended

- (5) If an issuer demands assurance additional to that specified in this section for a purpose other than the purposes of subsection 3 and obtains a copy of a will, trust or partnership agreement, by-law or similar document, the issuer shall be deemed to have notice of all matters contained therein affecting the transfer.

Notice of
additional
assurances

21. Section 94 of the said Act is amended by adding thereto the following subsection:

s. 94,
amended

- (4) A written notice of adverse claim received by an issuer is effective for only twelve months from the date when it was received unless the notice is renewed in writing.

Limitation
for notices

22. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor:

s. 97 (1),
re-enacted

- (1) An authenticating trustee, transfer agent, registrar or other agent for an issuer has in respect of the issue, registration of transfer, and cancellation of a security of the issuer,

Duty of
agents for
issuer

- (a) a duty to the issuer and to the holder or owner to exercise good faith and due diligence; and
- (b) the same obligations to the holder or owner of a security and the same rights, privileges and immunities as the issuer.

s. 98,
re-enacted

23. Section 98 of the said Act is repealed and the following substituted therefor:

Dealing by
corporation
with personal
representa-
tives

98.—(1) Where a person is shown on the records of a corporation as holding a share as a personal representative, the receipt by such person is a valid and binding discharge to the corporation for any payment or other distribution made in respect of the share whether notice of any trust has been given to the corporation or not, and the corporation is not bound to see to the application of such payment or other distribution.

Corporation
not a share-
holder of
own shares

(2) Where its own shares are purchased by a corporation under subsection 2 of section 39 or subsection 2 of section 100 or accepted by a corporation under section 37 or 43 and are not thereby cancelled, no person is entitled to receive notice of or to vote at meetings of shareholders or to receive any payment or other distribution made in respect of the shares until such shares are resold.

s. 100 (1) (a),
re-enacted

24.—(1) Clause *a* of subsection 1 of section 100 of the said Act is repealed and the following substituted therefor:

(a) a resolution passed by the directors authorizing the sale, lease, exchange or other disposition of all or substantially all the property of the corporation is confirmed with or without variation by the shareholders.

s. 100 (1),
amended

(2) Subsection 1 of the said section 100 is amended by striking out “or” at the end of clause *b*, by inserting “or” at the end of clause *c* and by adding thereto the following clause:

(d) a resolution passed by the directors under section 199 is confirmed by the shareholders,

.

s. 100 (2),
re-enacted

(3) Subsection 2 of the said section 100 is repealed and the following substituted therefor:

(2) Within ninety days from,

On amalgamation or change of jurisdiction

- (a) the date of the completion of the sale, lease, exchange or other disposition;
- (b) the date set forth in the certificate of amendment or amalgamation; or
- (c) the date of delivery to the Minister of a request in writing for his authorization under section 199,

the corporation, or amalgamated corporation, shall purchase the shares of every shareholder who has given notice under subsection 1, and every such shareholder shall sell his shares to the corporation.

(4) Subsections 5 and 6 of the said section 100 are repealed and the following substituted therefor:

s. 100 (5),
re-enacted,
s. 100 (6),
repealed

- (5) If the sale, lease, exchange or other disposition is not completed, the certificate of amendment or amalgamation is not issued, or the authorization of the Minister is not given, the rights of the dissenting shareholder under this section cease and the corporation shall not purchase the shares of such shareholder under this section.

Sale of
shares

25.—(1) Clause *b* of subsection 4 of section 101 of the said Act is repealed and the following substituted therefor:

s. 101 (4) (b),
re-enacted

- (b) if the by-law or resolution requires confirmation at a general meeting of the shareholders before it is effective, call a general meeting of the shareholders for the purpose of confirming the by-law or resolution,

.

(2) Subsection 8 of the said section 101 is repealed and the following substituted therefor:

s. 101 (8),
re-enacted

- (8) Where a by-law or resolution in respect of which a meeting of directors is requisitioned under this section is not passed or confirmed at a meeting of the shareholders, no requisition for a meeting of directors in respect of a similar by-law or resolution shall be made for a period of at least two years.

New
requisition
on same
subject

26. Clause *a* of subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

s. 106 (1) (a),
re-enacted

- (a) notice of the time and place for holding a meeting of the shareholders shall be given to each person who is

entitled to notice of meetings and who on the record date for notice appears on the records of the corporation as a shareholder and to each director by sending the notice by prepaid mail to his latest address as shown on the records of the corporation.

s. 112 (1),
re-enacted

27. Subsection 1 of section 112 of the said Act is repealed and the following substituted therefor:

Record
dates

- (1) The by-laws may fix in advance or may authorize the directors to fix in advance a time and date as the record date,
 - (a) for the determination of the shareholders entitled to notice of meetings of the shareholders, which record date for notice shall not be more than fifty days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and
 - (b) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall not be more than two days, excluding Saturdays and holidays, before the date of the meeting and where no such record date for voting is fixed, the record date for voting shall be the time of the taking of the vote; and
 - (c) for the determination of the shareholders entitled to receive the financial statement of the corporation pursuant to subsection 1 of section 184, which record date for the financial statement shall be not more than fifty days and not fewer than twenty-one days before the date of the annual meeting of the shareholders and where no such record date is fixed, the record date shall be at the close of business on the day next preceding the day on which the financial statement is given or sent.

s. 117,
amended

28. Section 117 of the said Act is amended by striking out "or prior to" in the second line.

s. 120 (b),
amended

29. Clause *b* of section 120 of the said Act is amended by striking out "other than the election of directors and the

appointment of auditors" in the seventh, eighth and ninth lines and inserting in lieu thereof "other than the appointment of auditors and the fixing of their remuneration and the election of directors".

30. Section 122 of the said Act is amended by adding ^{s. 122, amended} thereto the following subsection:

- (3) A majority of directors on the board of directors ^{Directors to be resident Canadians} of every corporation shall be resident Canadians.

31. Section 126 of the said Act is amended by adding ^{s. 126, amended} thereto the following subsection:

- (5) It shall not be necessary for all directors to hold ^{Staggered terms} office for the same term.

32. Subsections 1 and 2 of section 128 of the said Act are ^{s. 128 (1, 2), re-enacted} repealed and the following substituted therefor:

- (1) Subject to subsections 2, 2a, and 3, where a vacancy ^{Vacancies} occurs in the board and a quorum of directors remains, the directors remaining in office may appoint a qualified person to fill the vacancy for the remainder of the term but the articles may provide that such vacancy may only be filled by election at a general meeting of the shareholders duly called for that purpose.
- (2) Where the number of directors is increased, the ^{Increase} vacancies resulting from such increase shall only be filled by election at a general meeting of the shareholders duly called for that purpose.
- (2a) Where part of the board of directors has been elected ^{Where elected by class of shareholders} by the holders of the shares of a class of special shares as provided in clause *d* of subsection 1 of section 27, and a vacancy occurs in that part of the board, the remaining directors or director, if any, in that part of the board may appoint a qualified person to fill the vacancy for the remainder of the term, and, if there is no such remaining director, the holders of that class of shares at a meeting thereof that may be called by any holder of shares of that class may elect a qualified person to fill the vacancy for the remainder of the term but the articles may provide that such vacancy may only be filled by election at a general meeting of the holders of that class of shares duly called for that purpose.

s. 130 (2),
re-enacted

33.—(1) Subsection 2 of section 130 of the said Act is repealed and the following substituted therefor:

Exception

(2) Where the by-laws of the corporation so provide, the meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario, but in any financial year of the corporation a majority of the meetings of the board of directors and a majority of the meetings of the executive committee shall be held at a place within Canada.

s. 130,
amended

(2) The said section 130 is amended by adding thereto the following subsection:

Meetings by
telephone

(3) Subject to the by-laws of the corporation, where all the directors have consented thereto, any director may participate in a meeting of the board of directors or of the executive committee by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a director participating in a meeting pursuant to this subsection shall be deemed for the purposes of this Act to be present in person at that meeting.

s. 130,
amended

(3) The said section 130 is further amended by adding thereto the following subsection:

Place of
meeting by
telephone

(4) If a majority of the directors participating in a meeting held pursuant to subsection 3 are then in Canada, the meeting shall be deemed to have been held in Canada.

s. 132 (2),
re-enacted

34. Subsection 2 of section 132 of the said Act is repealed and the following substituted therefor:

Conduct of
business

(2) Subject to section 133 and subsection 1 of section 23, no business of a corporation shall be transacted by its board of directors except at a meeting of directors at which a quorum of the board is present and at which a majority of the directors present are resident Canadians.

s. 133 (1),
re-enacted

35.—(1) Subsection 1 of section 133 of the said Act is repealed and the following substituted therefor:

- (1) Where the number of directors of a corporation is more than six, and if authorized by a special by-law, the directors may elect from among their number an executive committee consisting of not fewer than three of whom a majority shall be resident Canadians and may delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors. Executive committee

(2) The said section 133 is amended by adding thereto the following subsection: s. 133, amended

- (3) No business shall be transacted by an executive committee except at a meeting of its members at which a quorum of the executive committee is present and at which a majority of the members present are resident Canadians. Conduct of business

36.—(1) Subsections 1 and 3 of section 134 of the said Act are repealed and the following substituted therefor: s. 134 (1, 3), re-enacted

- (1) Every director of a corporation who has, directly or indirectly, any interest in any contract or transaction to which the corporation or a subsidiary thereof is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the corporation or a subsidiary thereof, the cost of the property to the purchaser and the cost thereof to the seller, if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum. Disclosure by director of interest in contracts
-
- (3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested When declaration of interest to be made

in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the corporation's business, would not require approval by the directors or shareholders, at the first meeting of the directors held after the director becomes aware of it.

s. 134,
amended

(2) The said section 134, as amended by the Statutes of Ontario, 1971, chapter 26, section 20, is further amended by adding thereto the following subsection:

General
notice of
interest

(6) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of or has a material interest in a person that is a party to a contract or proposed contract with the corporation is a sufficient declaration of interest in relation to any contract so made.

s. 140,
amended

37.—(1) Section 140 of the said Act is amended by inserting at the commencement thereof "Subject to subsection 2".

s. 140,
amended

(2) The said section 140 is further amended by adding thereto the following subsection:

Idem

(2) Where a class of shares carries the exclusive right to elect a part of the board of directors, no director so elected may be removed from office before the expiration of his term except by resolution passed by a majority of votes cast at a meeting of holders of shares of the class duly called for that purpose.

s. 141 (1),
re-enacted

38. Subsection 1 of section 141 of the said Act is repealed and the following substituted therefor:

Officers

(1) A corporation shall have a president and a secretary and such other officers as are provided for by by-law or by resolution of the directors and the same person may hold two or more offices.

s. 146,
re-enacted

39. Section 146 of the said Act is repealed and the following substituted therefor:

146. Those directors and officers of a corporation who ^{Liability of directors and officers} authorize or consent to a loan in contravention of clause *a* of subsection 1 of section 17 or the giving, directly or indirectly by means of a loan, guarantee, the provision of security or otherwise, any financial assistance in contravention of clause *b* of subsection 1 of section 17 are jointly and severally liable to the corporation and to its creditors for any actual loss to the corporation arising out of the contravention, together with interest at the rate of 6 per cent a year.

40.—(1) Paragraph 3 of section 157 of the said Act is ^{s. 157, par. 3, amended} amended by adding thereto the following subparagraph:

- iii: all persons who are or have been within six years after the date of expiry of a warrant registered as holders of warrants of the corporation and the address including the street and number, if any, of every such person while a holder, setting out the class or series and number of warrants held by such holder.

(2) Paragraph 4 of the said section 157 is amended by in- ^{s. 157, par. 4, amended}serting after “addresses” in the second line “while directors”.

41. Section 159 of the said Act is repealed and the following ^{s. 159, re-enacted} substituted therefor:

159. A corporation may appoint a registrar to keep the ^{Transfer agents} register of security holders and a transfer agent to keep the register of transfers and may also appoint one or more branch registrars to keep branch registers of security holders and one or more branch transfer agents to keep branch registers of transfers but one person may be appointed both registrar and transfer agent.

42.—(1) Subsection 1 of section 160 of the said Act is ^{s. 160 (1), amended} amended by inserting after “office” in the third line “or offices” and by inserting after “place” in the third line “or places”.

(2) The said section 160 is amended by adding thereto the ^{s. 160, amended} following subsection:

- (5) A corporation, registrar or transfer agent is not ^{Destruction of spent documents} liable to produce a security certificate, a warrant or any document that is evidence of the issue or transfer of the security certificate or warrant after six years,
- (a) in the case of a share certificate from the date of its cancellation;

- (b) in the case of a warrant from the date of its expiry; or
- (c) in the case of a certificate representing a debt obligation, from the date of retirement of the whole debt obligation of which that certificate represents a part.

s. 162 (1),
amended

43. Subsection 1 of section 162 of the said Act is amended by striking out “of executive committees” in the fourth line and inserting in lieu thereof “any executive committee”.

s. 163 (1, 2),
re-enacted

44. Subsections 1 and 2 of section 163 of the said Act are repealed and the following substituted therefor:

List of
security
holders

- (1) A shareholder or creditor or the agent or personal representative of any of them shall not make or cause to be made a list of all or any of the security holders or registered warrant holders of the corporation unless he has filed with the corporation or its agent his affidavit in the following form, and, where the shareholder or creditor is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate:

Form of Affidavit

Province of Ontario
County of

In the matter of
(Insert name of corporation)

I....., of the of
in the of
make oath and say:

- 1. I am a shareholder (*or* creditor) of the above-named corporation.

(Where the shareholder or creditor is a body corporate, indicate office and authority of deponent in paragraph 1.)

- 2. I am applying to make a list of the shareholders (debt obligation holders) (registered warrant holders) of the above-named corporation.

- 3. I require the above-mentioned list(s) only for purposes connected with the above-named corporation.

- 4. The above-mentioned list(s) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Use of
list

- (2) No person, other than the corporation or its agent, shall use a list obtained under this section,

1. I require a list of the shareholders (debt obligation holders) (registered warrant holders) of the above-named corporation.

2. I require the above-mentioned list(s) only for purposes connected with the above-named corporation.

3. The above-mentioned list(s) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Use of list

(4) No person shall use a list obtained under this section,

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities or warrants other than the securities or warrants of the corporation; or

(b) for any purpose not connected with the corporation.

Purpose connected with corporation defined

(6) Purposes connected with the corporation include any effort to influence the voting of security holders at any meeting thereof, any offer to acquire shares of the corporation or any effort to effect an amalgamation or reorganization.

s. 165, amended

46. Section 165 of the said Act is amended by inserting after "security holders" in the third line "or registered warrant holders".

s. 168 (6), re-enacted

47. Subsection 6 of section 168 of the said Act is repealed and the following substituted therefor:

Right of auditor to make representations

(6) An auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing, concerning,

(a) his proposed removal as auditor;

(b) the appointment or election of another person to fill the office of auditor; or

(c) his resignation as auditor,

and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

48. Subsection 4 of section 171 of the said Act, as re-enacted ^{s. 171 (4), re-enacted} by the Statutes of Ontario, 1971, chapter 26, section 25, is repealed and the following substituted therefor:

- (4) Where facts come to the attention of the officers ^{Facts discovered after statement} or directors,
- (a) which could reasonably have been determined prior to the date of the last annual meeting of the shareholders; and
- (b) which if known prior to the date of the last annual meeting of shareholders, would have required a material adjustment to the financial statement presented to the meeting,

the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

49. Subsection 3 of section 172 of the said Act is repealed ^{s. 172 (3), re-enacted} and the following substituted therefor:

- (3) The reference in clause *a* of subsection 1 to an ^{Idem} annual meeting of a corporation includes the completion of the action otherwise required to be taken at an annual meeting in accordance with section 23 and subsection 2 of section 107.
- (4) Subject to subsection 2 of section 107, the report of the ^{Auditor's report to be read} auditor to the shareholders shall be read at the annual meeting and shall be open to inspection at the meeting by any shareholder.

50.—(1) Clause *k* of subsection 1 of section 173 of the said ^{s. 173 (1) (k), amended} Act, as enacted by the Statutes of Ontario 1971, chapter 26, section 26, is amended by inserting at the commencement thereof “in the case of a corporation that is offering its securities to the public”.

(2) Clause *l* of subsection 1 of the said section 173, as ^{s. 173 (1) (l), amended} enacted by the Statutes of Ontario, 1971, chapter 26, section 26, is amended by inserting at the commencement thereof “in the case of a corporation that is offering its securities to the public”.

s. 173 (2),
amended

(3) Subsection 2 of the said section 173 is amended by striking out “*g* and *h*” in the second line and inserting in lieu thereof “*g*, *h*, *k* and *l*”.

s. 178,
amended

51. Section 178 of the said Act is amended by renumbering subsection 4 as subsection 5 and by adding thereto the following subsection:

Exceptions

(4) Paragraphs 18 to 21 of subsection 3 do not apply to a corporation that is not offering its securities to the public.

s. 182,
amended

52. Section 182 of the said Act is amended by adding thereto the following subsection:

Right of
auditor to
be heard

(6) The auditor of a corporation shall be entitled to attend and be heard at meetings of the board of directors of the corporation on matters relating to his duties as auditor.

s. 183,
amended

53. Section 183 of the said Act is amended by inserting after “report” in the fifth line “unless the corporation is exempt under section 167”.

s. 184 (3),
re-enacted

54. Subsection 3 of section 184 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 29, is repealed and the following substituted therefor:

Financial
statement,
on demand

(3) A shareholder of a corporation that is not offering its securities to the public is entitled to be furnished by the corporation on demand with a copy of the financial statement and, unless the corporation is exempt under section 167, a copy of the auditor’s report.

s. 198,
re-enacted

55. Section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 36, is repealed and the following substituted therefor:

Articles of
continuation

198.—(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, deliver to the Minister articles of continuation in duplicate continuing it as if it had been incorporated under this Act.

(2) The articles of continuation shall set out,

Contents
of articles

- (a) the name of the corporation to be continued;
- (b) the date on which the corporation was incorporated and the jurisdiction in which it was incorporated;
- (c) the objects for which the corporation is to be continued;
- (d) the place in Ontario where the head office of the corporation is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district and the address giving the street and number, if any;
- (e) the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share, or, where the shares are to be without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all the shares of each class may not be issued;
- (f) where there are to be special shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them;
- (g) the restrictions, if any, to be placed on the transfer of its shares or any class thereof;
- (h) the number of directors of the corporation and the names in full and the residence address, giving the street and number, if any, of each person who is a director of the corporation;
- (i) that the continuation has been properly authorized under the laws of the jurisdiction in which the corporation was incorporated;
- (j) the date on which the continuation was authorized; and

- (k) any other matter required by this Act or the regulations to be set out in the articles,

and the articles may set out any provision that is authorized by this Act to be set out in articles or that could be the subject of a by-law of the corporation and shall be executed under the seal of the corporation and signed by two officers, or by one officer and one director of the corporation and verified by affidavit of one of the officers or directors signing the articles of continuation and shall be accompanied by such other material as required by the Minister.

Amendments
to original
articles

- (3) The articles of continuation shall make any amendments to the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which the body corporate was incorporated and any amendments thereto necessary to make the articles conform to the laws of Ontario and may make such other amendments as are permitted under this Act as if the body corporate were incorporated under the laws of Ontario.

Certificate

- (4) If the articles of continuation conform to law the Minister may, in his discretion, when all prescribed fees have been paid,
- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
 - (b) file one of the duplicates in his office; and
 - (c) issue to the corporation or its agent a certificate of continuation to which he shall affix the other duplicate.

Conditions

- (5) The Minister may issue the certificate of continuation on such terms and subject to such limitations and conditions and containing such provisions as appear to the Minister to be fit and proper.

Effective
date

- (6) Upon the date set forth in a certificate of continuation issued under subsection 4, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act.

s. 199 (2),
re-enacted

56. Subsection 2 of section 199 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 37, is repealed and the following substituted therefor:

- (2) This Act ceases to apply to the corporation on and after the date on which the corporation is continued under the laws of the other jurisdiction and the corporation shall file with the Minister a copy of the instrument of continuation certified by the proper officer of the other jurisdiction authorized to certify such documents. ^{Termination of jurisdiction}

57.—(1) Subsection 1 of section 248 of the said Act is amended by inserting after “Minister” in the third line “within one year after the authorization”. ^{s. 248 (1), amended}

(2) Clause *f* of subsection 1 of the said section 248 is amended by inserting after “place” in the third line “where it has its principal place of business in Ontario or, if it does not have a place of business in Ontario”. ^{s. 248 (1) (f), amended}

58.—(1) Section 251 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 40, is further amended by adding thereto the following subsection: ^{s. 251, amended}

- (2a) Where the Minister is notified by the Commission that a corporation has not complied with the provisions of section 134 of *The Securities Act*, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation complies with the provisions of section 134 of *The Securities Act* within one year after the giving of the notice. ^{Notice of dissolution for default under R.S.O. 1970, c. 426}

(2) Subsection 3 of the said section 251 is amended by inserting after “2” in the second line “or 2a”. ^{s. 251 (3), amended}

59. Section 255 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 42, is further amended by adding thereto the following subsection: ^{s. 255, amended}

- (1a) Where notices or other documents required by this Act, the articles or by-laws to be given or sent by a corporation to a shareholder have been mailed to the shareholder at his latest address as shown on the records of the corporation and where, on three consecutive occasions, notices or other documents have been returned by the Post Office to the corporation, the corporation is not required to mail to the shareholder any further notices or other documents until such time as the corporation receives written notice from the shareholder requesting that notices and other documents be sent to the shareholder at a specified address. ^{Undelivered mail}

s. 272 (1),
amended

60. Subsection 1 of section 272 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 45, is amended by inserting at the commencement thereof “Until the 1st day of January, 1975” and by inserting after “force” in the fourth line “but which contravene this Act”.

Commence-
ment

61.—(1) This Act, except subsection 2 of section 1, section 30, subsections 1 and 3 of section 33, and sections 34 and 35, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 1, section 30, subsections 1 and 3 of section 33 and sections 34 and 35 come into force on the 1st day of October, 1973.

Short title

62. This Act may be cited as *The Business Corporations Amendment Act, 1972*.

CHAPTER 139

**An Act to amend
The Corporations Information Act, 1971**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of subsection 1 of section 3 of *The Corporations Information Act, 1971*, being chapter 27 of the Statutes of Ontario, 1971, is repealed and the following substituted therefor:

(*f*) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not,

(i) each director is a resident Canadian, and

(ii) each director is a director of any other corporation related to the corporation as determined under *The Corporations Tax Act, 1972*^{s. 3 (1) (*f*), re-enacted}^{1972, c. 143} and, if so, the name of such related corporation and the jurisdiction of its incorporation.

(2) Clause *g* of subsection 1 of the said section 3 is amended^{s. 3 (1) (*g*), amended} by adding at the end thereof “and whether or not each officer is a resident Canadian”.

(3) The said section 3 is amended by adding thereto the^{s. 3, amended} following subsection:

(1*a*) For the purposes of subsection 1, “resident Canadian”^{Resident Canadian defined} means a Canadian citizen who is ordinarily resident in Canada.

2. Section 13 of the said Act is amended by adding there-^{s. 13, amended} to the following clause:

(aa) requiring disclosure in or with the return mentioned in subsection 1 of section 3 of the citizenship of officers and directors.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Corporations Information Amendment Act, 1972*.

CHAPTER 140

The Mining Tax Act, 1972*Assented to December 15th, 1972**Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “Deputy Minister” means the Deputy Minister of Natural Resources;
- (b) “mine” means any opening in the ground and any working of the ground from or by which any mineral substance is taken, and comprises the mining claim, mining location and the whole parcel of land in which any such workings are or have been carried on;
- (c) “mineral substance” means every type and kind of ore, rock and mineral, whether organic or inorganic, but does not include diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method;
- (d) “Minister” means the Minister of Natural Resources;
- (e) “Ministry” means the Ministry of Natural Resources;
- (f) “municipality” means a city, town, village, township or improvement district;
- (g) “operator”, when used in reference to a mine, means the person that has the right to work the mine and win mineral substances from it, whether he does so himself or through his agents or servants, and “operate” and “operation”, when used in reference to a mine, have a corresponding meaning;

- (h) "output", when used in reference to a mine means the mineral substances raised, taken or gained from any mine in Ontario, if those mineral substances,
- (i) are sold as such,
 - (ii) are not sold as such but are incorporated in any manufacturing process, or
 - (iii) are not sold as such or incorporated in any manufacturing process but are fed into a treatment plant at any mill, smelter or refinery and the product of their treatment or partial treatment is sold;
- (i) "person" includes corporation, syndicate, trust, partnership, co-owners and, where the context permits, the heirs, executors, administrators or successors of any person;
- (j) "taxation year" means the period for which the accounts of the operator of a mine are ordinarily made up and accepted for the purposes of assessment under this Act, and any change in a usual and accepted taxation year shall, for the purposes of this Act, be made only with the approval of the Minister, but no taxation year shall be for a period greater than fifty-three consecutive weeks. R.S.O. 1970, c. 275, s. 1; 1971, c. 14, s. 1, *amended*.

When taxes
accrue and
when payable

2.—(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Ministry not later than two months following the close of the taxation year. 1971, c. 14, s. 2 (1), *amended*.

Payment of
balance

(2) Every operator of a mine and every other person liable to pay a tax under this Act shall, at the time he makes the return required under section 6, pay the amount, if any, by which any tax that he estimates to be payable in the return that is required under section 6 exceeds the amount paid under subsection 1. 1971, c. 14, s. 2 (2), *amended*.

Profit tax

3.—(1) Every mine the profit of which, as determined under this section, exceeds \$50,000 in a taxation year is liable for, and the owner, holder, tenant, occupier or operator of the mine shall pay, a tax of 15 per cent on the total profit of the mine as determined under this section for the taxation year. R.S.O. 1970, c. 275, s. 3 (1), *amended*.

(2) For the purpose of this section and section 6, all mines that are operated by, and the profits of which accrue to, the same person shall, for the purpose of determining the amount of tax payable under this Act, be deemed to be and be dealt with as one and the same mine and not as separate mines. R.S.O. 1970, c. 275, s. 3 (2), *amended*.

(3) The profit for a taxation year is the difference between, <sup>Ascertain-
ment of
profit</sup>

- (a) where the mineral substances raised, taken or gained from the mine are sold as such, the amount of the gross receipts from the output during the taxation year;
- (b) where the mineral substances or a part thereof are not sold as such, the amount of the actual market value at the pit's mouth of the mineral substances raised, taken or gained from the mine that are,
 - (i) incorporated in any manufacturing process, or
 - (ii) fed into a treatment plant at any mill, smelter or refinery and the product thereof is sold,in the taxation year; or
- (c) if there is no means of ascertaining the actual market value at the pit's mouth of the mineral substances referred to in clause *b*, the amount at which the mine assessor appraises the value of such mineral substances,

and the following expenses, payments, allowances and deductions,

- (d) the cost of transportation of any output sold, incorporated in a manufacturing process or treated, if paid or borne by the operator;
- (e) the proper working expenses of the mine, both underground and above ground, including salaries and wages of all necessary employees employed at or about the mine and the proper salaries and office expenses for necessary office work done at the mine and at the head office of the mine and in immediate connection with the mining operations;
- (f) the cost of power, light and transportation used in the mining operations and in handling the mineral substance taken from the mine;

- (g) the net cost of food and provisions if supplied by the operator to the employees of the mine;
- (h) the cost of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (i) any proper outlay incurred in safeguarding or protecting the mine, mineral substance or output;
- (j) the cost of proper insurance upon the output and upon the mining plant, machinery, equipment and buildings used for or in immediate connection with the mining operations or for storing the mineral substance, if paid or borne by the operator;
- (k) an allowance for depreciation in each taxation year of not less than 5 per cent and not more than 15 per cent of the cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full cost thereof has been allowed as an expense under this clause, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of by the operator, the proceeds from such disposal shall be applied to reduce the cost to such person of any additions thereto made in the taxation year, and where such proceeds exceed the cost of such additions, the excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, the excess shall be applied to reduce deductions otherwise allowable under this subsection, and where any such disposal is made at any time after the close of mining operations, the tax for the last taxation year shall be reassessed for the purpose of depreciation recovery where applicable;
- (l) notwithstanding anything in this subsection, at least 15 per cent of the expenditure following the commencement of production that is incurred for actual exploration and development work done in Ontario with the object of finding, testing or opening up deposits of mineral substances, if the following conditions are met:
 - 1. The expenditure has not at any time in a previous taxation year been allowed as an expense or deduction under this Act.

2. The expenditure is approved by the mine assessor.
 3. The expenditure does not include money paid for the purchase or acquisition of an option to purchase or in the acquisition of the right to mine or an option on the right to mine such deposits.
 4. The expenditure was made or borne by the operator of the mine liable to taxation.
 5. Separate accounts of the expenditure are kept and furnished to the mine assessor in reasonable detail with the return required under section 6;
- (m) donations actually made for charitable, educational or benevolent purposes that are approved by the mine assessor; and
- (n) an allowance for the cost of development of the mine of 10 per cent per annum of the capitalized cost of development, provided,
- (i) that such mine came into production after the 1st day of January, 1965,
 - (ii) that the ore taken from the mine is beneficiated, at least to the smelter stage, in Canada,
 - (iii) that it is assumed that 10 per cent of the cost of such development has been written off for each taxation year of production prior to the first taxation year in which the ore or part thereof is or has been treated to at least the smelter stage in Canada or prior to the taxation year ending in the year 1969, whichever is the later, and
 - (iv) that if any portion of the ore has been or will be smelted outside Canada, then only that proportion of the annual allowance for the cost of development work that the selling value of the product of the ore treated to at least the smelter stage in Canada bears to the selling value of all products of the mine will be permitted as a deduction.
- R.S.O. 1970, c. 275, s. 3 (3), *amended*.

Allowances
and
deductions
not
permitted

- (4) No allowance or deduction shall be made in respect of,
- (a) cost of plant, machinery, equipment or buildings except as provided in subsection 3;
 - (b) capital invested, or interest or dividend upon capital or stock or investment;
 - (c) depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral;
 - (d) royalties paid for or in respect of the output of a mine situated on lands not the property of the Crown; and
 - (e) cost of development of the mine liable for taxation under this Act before the commencement of production therefrom, except as provided in clause *n* of subsection 3. R.S.O. 1970, c. 275, s. 3 (5), *amended*.

Part-year
production

(5) In determining the amount of the tax under this section where the period of production is, in the opinion of the mine assessor, for a period of less than twelve months, the amount of the profit for the period of production shall be multiplied by the quotient of 365 divided by the number of days of production, and the rate mentioned in subsection 1 shall be applied to the product thereof in the same manner as though such product was the true profit for the taxation year, and the amount so determined shall be multiplied by the quotient of the number of days of production divided by 365. R.S.O. 1970, c. 275, s. 3 (6).

Duty to
give notice
of active
operations

4.—(1) The operator of every mine from which any mineral substance is raised, taken or gained shall, within ten days after the commencement of the active operation of the mine, give written notice to the mine assessor of the fact that the mine is in active operation, and such notice shall state the name and address of the operator of the mine and of the owner, holder, tenant and occupier of the mine if other than the operator and shall forthwith give written notice to the mine assessor of every change in the name or address of any of such persons and such notice shall further clearly set forth an address for service for each of them where any notice or demand that may be given under this Act may be given or served.

(2) Any notice or demand required or provided for by this Act shall be deemed to have been properly and sufficiently given or served to the owner, holder, tenant, occupier or operator if mailed by registered mail to the address for service for such person given by the operator, and in case no address for service is given as herein required, then any notice or demand required or provided for by this Act is sufficiently given or served if the same is mailed by registered mail to any address that the official or person sending the notice or demand considers most likely to bring the notice or demand to the attention of the person to whom it is directed. R.S.O. 1970, c. 275, s. 4 (1), *part, amended*. Service of
notice

(3) The operator of every mine shall forthwith give written notice to the mine assessor of every discontinuance of the active operation of the mine and of every recommencement thereof after discontinuance. R.S.O. 1970, c. 275, s. 4 (1), *part, amended*. Notice of
change of
interest or
dis-
continuance

5.—(1) No person shall ship, send, remove or carry away or permit to be shipped, sent, removed or carried away from the mine from which the same has been taken any mineral substance or any product thereof until notice has been given to the mine assessor as required by section 4 that the mine from which the mineral substance or product is taken is in active operation. R.S.O. 1970, c. 275, s. 5, *amended*. Shipping
forbidden
before
notice

(2) Every person who contravenes subsection 1 is guilty of an offence and, on summary conviction, is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 275, s. 32; 1971, c. 14, s. 11, *part, amended*. Offence

6.—(1) On or before the last day of the month that ends six months following the close of the taxation year, every operator of every mine in Ontario shall, without notice or demand, deliver to the mine assessor a return containing an estimate of the tax for which the mine of which he is the operator is liable, and the return shall contain full particulars of every calculation and fact upon which the estimate is based, and the return shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under this Act, and such certificate shall be signed by a person who has personal knowledge of the affairs of the mine, but the mine assessor may require the person who certifies the return to verify under oath the return or any part thereof, and any person so required shall forthwith make and file with the mine assessor an affidavit verifying the truth of the matters and facts contained in the return. R.S.O. 1970, c. 275, s. 6 (1, 2), *part, amended*. Return

Idem

(2) The mine assessor, or any officer of the Ministry who is authorized by the Minister so to do, may in writing demand from any person liable to pay the tax imposed by section 3 or from any person believed to have knowledge relevant to the proper assessment of tax under this Act that such person make a return to the mine assessor containing the information required by subsection 1, or that such person furnish to the mine assessor any information necessary to enable the mine assessor to make a full and complete assessment under this Act or a proper estimate of any tax that may be due under this Act and every such person upon receipt of the demand shall make and deliver the return to the mine assessor or officer of the Ministry, as the case may be. R.S.O. 1970, c. 275, s. 6 (1), *part, amended*.

Notice of
assessment

7.—(1) The mine assessor shall examine the returns delivered under section 6 together with any other information furnished under this Act, and shall send to every person liable to pay the tax imposed by section 3 a notice of assessment confirming or altering the amount of tax that has been estimated to be payable and any amount of tax that is assessed to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment, whether or not an appeal of the assessment is taken under this Act. R.S.O. 1970, c. 275, s. 11 (1), *amended*.

Refunds

(2) Where the amount of the tax that is assessed is less than the amount paid to the Minister on account of tax for the taxation year with respect to which the assessment is made, the amount that has been paid to the Minister in excess of the tax assessed shall be remitted forthwith to the person who paid such excess amount. R.S.O. 1970, c. 275, s. 11 (2), *amended*.

Recovery of
taxes

(3) Where an assessment made under this Act is not appealed within the time provided by this Act, the amount of tax shown in the assessment is the amount of tax for which the mine assessed is liable and which the owner, holder, tenant, occupier or operator of that mine is required to pay, and the Minister may forthwith take all remedies available to him under this Act or at law to recover all taxes, penalties and interest provided for by this Act, and all taxes the assessment of which has not been appealed within the time provided for by this Act and all penalties and interest provided for by this Act are a debt due to Her Majesty in right of Ontario for which every person by whom such taxes, interest and penalties are payable is accountable. *New*.

Appeal

8.—(1) Where any person who is assessed to pay any taxes levied on a mine under this Act is not satisfied with the

notice of assessment of such tax that is sent to him under section 7, he may appeal the assessment within thirty days after the day on which the notice of assessment is mailed but shall, before commencing the appeal, pay to the Minister the amount of taxes and interest, if any, required to be paid by the notice of assessment, and may then commence the appeal by delivering to the Minister either personally or by registered mail a written notice of his appeal setting out the reasons for his objection to the assessment and the allegations of fact and law on which he relies to support his objection to the assessment. R.S.O. 1970, c. 275, ss. 10 (2, 4), 11 (1), *part, amended*.

(2) Subject to subsection 4, where notice of appeal of an assessment is delivered as provided for in this section, the Minister shall, in writing, refer the appeal to the Mining Commissioner or to the Ontario Municipal Board to be tried and determined and shall forthwith inform the appellant and furnish to him a copy of the writing by which the appeal has been referred. R.S.O. 1970, c. 275, s. 10 (4), *amended*. Referral for hearing

(3) When the Minister has referred an appeal under this Act, the Mining Commissioner or the Ontario Municipal Board, as the case may be, shall proceed to try and dispose of the appeal, and for all purposes of hearing, inquiring into and disposing of the appeal has the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases, and the disposition of the appeal that is made by the Mining Commissioner or the Ontario Municipal Board, as the case may be, is, for the purposes of this Act, final and conclusive subject to the right of appeal therefrom to the Court of Appeal as hereinafter provided. R.S.O. 1970, c. 275, s. 10 (5), *amended*. Hearing of appeal

(4) Where an appellant under this section and the Minister agree in writing upon a statement of all the facts that are relevant and in issue on an appeal under this section, the appellant may, whether or not the matter has been previously referred by the Minister to the Mining Commissioner or the Ontario Municipal Board, set the appeal down for hearing and determination by a judge of the Supreme Court in accordance with the practice and procedure of that court in matters or causes where all the facts in issue have been agreed upon. *New.* Hearing by judge where all facts agreed upon

(5) An appeal lies to the Court of Appeal from any decision of the Mining Commissioner or the Ontario Municipal Board under subsection 3 or of a judge of the Supreme Court hearing an appeal under subsection 4, provided that notice of such Appeal to Court of Appeal

appeal is delivered or served by the party appealing within fifteen days after the making of the decision that is appealed, and the procedure upon and governing such appeal to the Court of Appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in any civil action, but leave to appeal is not necessary. R.S.O. 1970, c. 275, s. 10 (8), *amended*.

Costs

(6) In any appeal that is heard under subsection 3, the Mining Commissioner or the Ontario Municipal Board hearing the appeal may make such order as to the payment of the costs of the proceedings as seems just, and may direct that such costs be taxed by a taxing officer of the Supreme Court and any costs so taxed shall be paid forthwith after the taxation thereof. R.S.O. 1970, c. 275, s. 10 (6), *part, amended*.

**Adjustment
of tax
after
appeals**

(7) Where the amount of tax that is finally determined to be payable pursuant to an appeal under this Act is less than the amount of tax that has been assessed and paid, the difference shall be refunded to the appellant, and where the amount of tax that is finally determined to be payable pursuant to an appeal under this Act is more than the amount of tax that has been assessed and paid, the appellant shall pay the difference forthwith to the Minister. R.S.O. 1970, c. 275, s. 10 (9), *amended*.

**Examinations
and
production of
documents**

(8) In any appeal under this section or in any action under this Act, any person and any officer or servant of any corporation, whether or not the person or corporation is a party to the appeal or to the action, may be examined upon oath and shall make production upon oath of any documents, records or things that may be in the possession or under the control of the person or corporation in the same manner as a party to an action in the Supreme Court may be required to attend for examination and to make production, but this subsection does not apply to the Minister or to any officer or servant of the Crown other than the mine assessor, an assistant mine assessor or a special mine assessor. *New*.

**Books to
be kept**

9.—(1) Every person liable to pay the tax imposed by section 3 shall keep at or near the mine proper books of account showing the quantity, weight, value, composition and other particulars of the mineral substances raised, taken or gained from the mine, and such books shall also show the returns from the mill, smelter or refinery and all receipts derived from the sale of the output or the product of the output of the mine and no mineral substance raised, taken or gained from any mine shall be removed from the mining premises or treated at any mill, smelter or refinery until the weight of the mineral substance has been correctly ascertained and entered in the

books of account, and such person shall also keep proper books of account showing each of the several expenses, payments, allowances and deductions mentioned in section 3, and showing any other facts and circumstances necessary or proper for ascertaining the amount of tax imposed by this Act. R.S.O. 1970, c. 275, s. 7 (1), *amended*.

(2) The mine assessor may determine the number and character of books required to be kept under subsection 1 and may require that the books of account mentioned in subsection 1 be kept at such place in Ontario as the mine assessor determines. R.S.O. 1970, c. 275, s. 7 (2), *amended*. Power of mine assessor as to books

10.—(1) The Lieutenant Governor in Council may appoint an officer to be known as the mine assessor. R.S.O. 1970, c. 275, s. 8, *part, amended*. Appointment of mine assessor

(2) The Minister may appoint one or more officers of the Ministry to be assistant mine assessors. *New*. Appointment of assistant mine assessors

(3) The Minister may from time to time appoint any officer of the Ministry or any other person to be a special mine assessor and to perform for a specified time or in a specified locality or in any special matter or case the duties of the mine assessor set out in this Act, and every special mine assessor, while he acts in that capacity, shall be deemed to be an officer of the Ministry, and it is his duty, under the direction of the Minister, to perform the specific duties assigned to him by the Minister and to report to the Minister at the times and in the manner directed by the Minister. R.S.O. 1970, c. 275, s. 8, *part, amended*. Appointment of special mine assessors

11.—(1) It is lawful at all times for a mine assessor, assistant mine assessor or special mine assessor to enter upon any mining premises in Ontario for the purpose of making inquiries, obtaining information and otherwise performing his duties under this Act, and for any of these purposes a mine assessor, assistant mine assessor or special mine assessor may descend all pits and shafts, and may use all tackle, machinery, appliances and things belonging to the mine as he considers necessary or expedient, and shall be given free ingress and egress to, from and over all buildings, erections, structures and vessels used in connection with the mine and any mill, smelter or refinery at which the mineral substance taken from the mine is treated or in any way modified and shall be allowed to take from time to time from any mining premises such samples or specimens of mineral substance as he desires for the purpose of determining by assay or otherwise the value of any mineral substance being taken from the mine or the Assessors may enter mines

value of any product of the output of the mine that results from the treatment or modification of any mineral substance taken from the mine and shall be given full and complete access to all books of account, letters and other documents kept or used for or in connection with the work and business of the mine or with the sale of the output or the product of the output from the mine, and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by a mine assessor, assistant mine assessor or special mine assessor under this section shall not be communicated or disclosed to anyone except in so far as it is necessary to do so for the purposes of this Act. R.S.O. 1970, c. 275, s. 9, *amended*.

Interpre-
tation

(2) In this section, "mineral substance" includes diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum or sodium chloride recovered by the solution method. R.S.O. 1970, c. 275, s. 1 (*f*), *part*.

Allowance
for tax
paid to
municipality

R.S.O. 1970,
c. 32

12. Where a person that is liable for payment of tax under section 3 is also, during any taxation year in which such tax is payable, liable to a municipality for a tax under section 28 of *The Assessment Act* the tax that, in the taxation year, is payable and paid under section 28 of *The Assessment Act* may be deducted from the tax payable for the taxation year under this Act. R.S.O. 1970, c. 275, s. 12, *amended*.

Compromise
of tax

13. Where any doubt arises as to the liability of any person to pay the whole or any part of the taxes and penalties imposed under this Act, or where owing to exceptional circumstances, it is considered inequitable to demand payment of the whole amount of any taxes and penalties imposed under this Act, the Lieutenant Governor in Council may compromise and settle the matter by accepting such amount as he considers proper and in case the taxes or the penalties or both have been paid he may refund them or part of them to the person making the payment. R.S.O. 1970, c. 275, s. 13, *amended*.

Remission
of tax on
iron ore
profits

14. The Lieutenant Governor in Council may remit the tax imposed by section 3 upon the profits arising out of the mining of iron ore where he is satisfied that the iron ore has been smelted in Canada or delivered to a blast furnace in Canada for the purpose of being smelted in Canada. R.S.O. 1970, c. 275, s. 14, *amended*.

Interest on
unpaid tax

15.—(1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in

the notice of assessment issued under subsection 1 of section 7, the person liable to pay the tax shall pay interest, at such rate per annum as is prescribed by the regulations, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

(2) If any such balance is not in the hands of the ^{Penalty} Ministry within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 4 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date one month following the mailing of the notice of assessment to the date final payment is in the hands of the Ministry.

(3) Where the amount of tax paid under sections 2, 6, ^{Interest on overpayment of tax} 7 and 8 is more than the amount shown on the notice of assessment issued under subsection 1 of section 7 or more than the amount finally determined where an appeal is taken under section 8, interest at such rate per annum as is prescribed by the regulations shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made, to the date the amount of the tax has been assessed under section 7 or has been determined under section 8, as the case may be. 1971, c. 14, s. 4, *amended*.

(4) Where any tax imposed under this Act is not paid ^{10 per cent to be added for default} at the time provided, 10 per cent shall be added thereto forthwith and 10 per cent shall be added on the same day of each year thereafter so long as the tax remains unpaid, and such additional amounts shall for all purposes be deemed to be a tax payable under this Act. R.S.O. 1970, c. 275, s. 23 (3).

(5) Any payment, other than a payment of penalties, ^{Payment of interest} made to the Minister under this Act shall first be applied in payment of any interest that may be payable on the tax imposed by this Act. *New*.

Penalty for
failure to
comply with
s. 6

16. Every person who fails to deliver a return that he is required to deliver under section 6 is liable for and shall pay to the Minister a penalty of \$50 for each day during which he fails to deliver the return and any such penalty may be demanded in any notice of assessment provided for in this Act and may be recovered in any manner provided in this Act for the recovery or collection of tax but interest shall not be charged, recovered or collected on any such penalty. R.S.O. 1970, c. 275, s. 24; 1971, c. 14, s. 5, *amended*.

Offence,
false
information

17. Every person who knowingly makes or signs any false statement or furnishes any false or incorrect information to the mine assessor, an assistant mine assessor, a special mine assessor or to any officer of the Ministry authorized by the Minister under section 6, with respect to any matter or thing as to which information is required under this Act or who keeps or causes or permits to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability under this Act, guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 275, s. 31; 1971, c. 14, s. 10, *amended*.

Special
lien and
priority
of the tax

18. All taxes, penalties and interest payable under this Act are a special lien on the mine and upon the leases of and rights respecting the mine and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and this priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights that are subject to such lien. R.S.O. 1970, c. 275, s. 26; 1971, c. 14, s. 7, *amended*.

Injunction
or
receiver

19. In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax may, in any case where any tax under this Act is overdue or where the payment of any accrued or future tax seems in danger, be obtained by application to a judge of the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral substance or mineral-bearing substance, or to prevent or restrict mining operations, or to provide for such operations upon such terms and conditions as the judge considers proper. R.S.O. 1970, c. 275, s. 28 (1); 1971, c. 14, s. 9 (1), *amended*.

20. Where, contrary to this Act, any person refuses or neglects to permit the mine assessor, assistant mine assessor or special mine assessor to examine, inspect or make copies of any books, records or documents in the custody of or under the control of such person, or where any person obstructs the mine assessor, assistant mine assessor or special mine assessor in the performance of any duty imposed or authorized by this Act, the Minister or Deputy Minister may apply *ex parte* to a judge of the Supreme Court or county or district court, and the judge may order the production and delivery of such books, records or documents for inspection and copying or enjoin such person from such obstruction. *New.* Production of records

21. Where default is made in the payment of any taxes, interest or penalties imposed under this Act, the taxes, interest and penalties may be levied and collected by distress, together with all costs of distress, upon the goods and chattels wherever found of the person or any person liable therefor under a warrant signed by the Minister or Deputy Minister directed to the sheriff of any county or district in which the person in arrear may have any goods or chattels, and in such case the sheriff shall realize the amount directed to be realized by the warrant together with all incidental costs by sale of the goods and chattels distrained or of so much thereof as may be necessary to satisfy the amount directed to be levied by the warrant together with the costs of the distress and sale. R.S.O. 1970, c. 275, s. 30, *amended*. Distress

22.—(1) If any tax, interest or penalty imposed by this Act is not paid when due, the same may be recovered with costs from any person liable for payment of the tax, interest or penalty by an action to be tried without a jury at the suit of the Minister in any court of competent jurisdiction. R.S.O. 1970, c. 275, s. 27; 1971, c. 14, s. 8, *amended*. Action to recover tax

(2) Any action that may be brought under this Act may be brought by the Minister as plaintiff, and it is not necessary to name the Minister, and the action does not abate by reason of a change in the person of the Minister or by reason of the office being vacant at any time, but the action may proceed as if no change had been made or no vacancy existed. R.S.O. 1970, c. 275, s. 29. Action by Minister does not abate

(3) The remedies and the rights of action provided in subsections 1 and 2 are in addition to all other rights and remedies that may be exercised under this Act. *New.* Remedies in subss. 1, 2 additional to all other remedies

23. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the rates of interest payable under subsections 1 and 3 of section 15;
- (b) prescribing forms and providing for their use;
- (c) prescribing the matters the mine assessor shall take into consideration and make allowance for in appraising the value of output at the pit's mouth;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

R.S.O. 1970,
c. 275,
repealed

24.—(1) *The Mining Tax Act*, being chapter 275 of the Revised Statutes of Ontario, 1970, is repealed.

1971 Act,
repealed

(2) *The Mining Tax Amendment Act, 1971*, being chapter 14, is repealed.

Saving

(3) Notwithstanding the repeal of *The Mining Tax Act* and *The Mining Tax Amendment Act, 1971*, as enacted by subsections 1 and 2, the provisions of *The Mining Tax Act* and *The Mining Tax Amendment Act, 1971*, as they existed immediately prior to the day this section comes into force, continue to apply as to all matters contained therein in respect of taxation years ending on or before the 31st day of December, 1971.

Application
of Act

(4) This Act applies as to all matters contained in this Act in respect of taxation years ending on or after the 1st day of January, 1972.

Commence-
ment

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. This Act may be cited as *The Mining Tax Act, 1972*.

CHAPTER 141

An Act to amend The Dentistry Act

Assented to December 15th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 4 of *The Dentistry Act*, being s. 4 (2), chapter 108 of the Revised Statutes of Ontario, 1970, is re-enacted and the following substituted therefor:
 - (2) The Board shall consist of elected members, each of Membership of Board whom shall be a member of the College, and three persons who are not members of the College appointed by the Lieutenant Governor in Council, all of whom shall hold office for two years, and the Minister of Health who is an *ex officio* member of the Board.
- 2.—(1) Section 21 of the said Act is amended by adding s. 21, thereto the following subsection:
 - (4a) Nothing done in the practice of denture therapy as Idem defined in *The Denture Therapists Act, 1972* by a 1972, c. 163 denture therapist licensed thereunder shall be deemed to be a contravention of this section.
- (2) Subsections 8, 9 and 10 of the said section 21 are repealed s. 21 (8, 9), and the following substituted therefor: re-enacted, s. 21 (10), repealed
 - (8) Every person who contravenes any provision of this Offences section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both.
 - (9) Where it appears to the Board that any person does Restraining orders not comply with any provision of this section, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Board, on behalf of the College, may apply to a judge of the High Court for an

order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit and an appeal lies to the Court of Appeal from an order made under this subsection.

ss. 20a, 21a,
enacted

3. The said Act is amended by adding thereto the following sections:

By-laws for
list of
dentists par-
ticipating in
low cost
denture
service

20a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board shall, by by-law,

- (a) provide for the preparation of a list of dentists participating in the low cost denture service;
- (b) determine the dentists who shall be included in the list,

for the purposes of this section.

Low cost
denture
service

- (2) A dentist who participates in the low cost denture service shall provide full upper and lower standard prosthetic dentures to any person other than a person with an abnormality or degenerative disease of the mouth for a cost which shall not exceed \$180 including the laboratory costs and the professional fee in respect of fitting services, and no denture of a quality higher than standard and no additional services shall be provided or charged for by him without the specific consent of the patient.

Display
of notice
by par-
ticipating
dentists

- (3) A dentist who participates in the low cost denture service shall display public notice of the fact in his office in a form prescribed by the Board by by-law approved by the Lieutenant Governor in Council.

Enforcement

- (4) A dentist who is in breach of any provision of this section shall be deemed to be guilty of improper conduct in a professional respect for the purposes of section 22.

By-laws

- (5) The Board shall make such by-laws as it considers necessary for the purpose of promoting and encouraging participation by dentists in low cost denture services for the purposes of this section and for the establishment of clinics for the purpose.

Regulation

- (6) The Lieutenant Governor in Council may, by regulation, fix an amount for the maximum cost of the low cost denture service other than the amount named in subsection 2.

- 21a.—(1) Where a prosthetic denture is supplied, altered or repaired by a dental surgeon or under the supervision of a dental surgeon as required by section 15 of *The Denture Therapists Act, 1972*, the laboratory costs incurred in respect of the supplying, altering or repairing of the prosthetic denture and all fees for services in respect thereof shall be rendered by the dental surgeon and the account therefor shall show such laboratory costs separately from such fees and separately from all other charges and fees. Billing for prosthetic dentures
1972, c. 163
- (2) No person is liable to pay an account that does not comply with the requirements of subsection 1. Liability for payment
4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
5. This Act may be cited as *The Dentistry Amendment Act, 1972*. Short title

CHAPTER 142

**An Act respecting Conflict of Interest
of Members of Municipal Councils
and Local Boards**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpreta-
tion

(a) “council” means the council of a municipality;

(b) “local board” means a local board as defined in *The Municipal Affairs Act*;

R.S.O. 1970,
c. 118

(c) “municipality” means the corporation of a county, city, town, village, township or improvement district or of a district, metropolitan or regional municipality and a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;

(d) “ratepayer” means,

(i) in respect of a municipality or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(ii) in respect of a public, separate or secondary school board, a person entitled to vote at the election of members of such board;

(e) “senior officer” means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office.

Idem

(2) For the purposes of clause *a* of subsection 3, a member of a council or of a local board shall be deemed to have a controlling interest in a corporation if he beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding.

Idem

(3) For the purposes of this Act, a member of a council or of a local board has an indirect pecuniary interest in a contract or proposed contract with the municipality or local board or in any contract or proposed contract that is reasonably likely to be affected by a decision of the council or local board or in any other matter in which the council or local board is concerned, as the case may be,

(a) if he or his nominee is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public or has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public or is a member of a body,

(i) with which the contract is made or is proposed to be made, or

(ii) that has an interest in a contract or proposed contract that is reasonably likely to be affected by a decision of the council or local board, or

(iii) that has an interest in any other matter in which the council or local board is concerned; or

(b) if he is a partner of a person, or is in the employment of a person or a body,

(i) with whom the contract is made or is proposed to be made, or

(ii) that has an interest in a contract or proposed contract that is reasonably likely to be affected by a decision of the council or local board, or

(iii) that has an interest in any other matter in which the council or local board is concerned.

Idem

(4) A member of a council or of a local board does not have an indirect pecuniary interest by reason only of his being a director or senior officer of a corporation incorporated

for the purpose of carrying on business for and on behalf of the municipality or local board or by reason of his being a member of a board, commission or other body as an appointee of the council or local board.

(5) Where the number of members of a council or of a local board who have an indirect pecuniary interest by reason of the application of clause *b* of subsection 3 is such that at any meeting the remaining members are not of sufficient number to constitute a quorum, then, notwithstanding any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

Quorum
deemed
constituted

2.—(1) Where a member of a council or of a local board, either on his own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect,

Duty to
disclose
interest in
contracts,
etc.

- (a) in any contract or proposed contract with the municipality or local board, as the case may be;
- (b) in any contract or proposed contract that is reasonably likely to be affected by a decision of the council or local board; or
- (c) in any other matter in which the council or local board is concerned,

and is present at a meeting, including a committee or other meeting, of the council or local board at which the contract, proposed contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or other matter, or attempt in any way to influence the voting on any such question.

(2) Where the interest of a member of a council or of a local board has not been disclosed as required by subsection 1 by reason of his absence from the meeting referred to therein or by reason of such interest having been acquired after such meeting, he shall disclose his interest and otherwise comply with subsection 1 at the first meeting of the council or local board, as the case may be, attended by him after the meeting referred to in subsection 1 or after acquiring such interest.

Idem

(3) The interest of any spouse, son, daughter or any other relative of a member of a council or local board who has the same home as such member, shall if known to the member, be deemed for the purposes of this section to be also an interest of the member.

Idem.
associates

Where
subss. 1, 2,
do not
apply

(4) Subsections 1 and 2 do not apply to an interest in a contract, proposed contract or other matter that a member may have,

- (a) as a ratepayer, or as a user of any public utility service supplied to him by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the council or local board;
- (b) by reason of his being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- (c) by reason of his purchasing or owning a debenture of the municipality or local board; or
- (d) by reason of his having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to him in like manner as such a deposit is or may be returnable to all other ratepayers.

Disclosure
of interest
to be
recorded

(5) Every disclosure of interest under subsection 1 or 2 shall be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the local board, as the case may be.

Proceedings
not invali-
dated, but
voidable

(6) The failure of any person to comply with subsection 1 or 2 does not of itself invalidate any contract, or the proceedings in respect of any proposed contract or other matter mentioned in subsection 1 or 2, but the contract or the proceedings in respect of any proposed contract or other matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing the contract or proposed contract or other matter.

Interpreta-
tion

3.—(1) In this section and in sections 4 and 5, “judge” means a judge of the county or district court of the county or district in which the municipality is situate or in which the local board has jurisdiction.

Who may
try alleged
contraven-
tion of subs.
1 or 2 of s. 2

(2) The question of whether or not a member of council or of a local board has contravened subsection 1 or 2 of section 2 may be tried and determined by a judge.

Originating
notice

4.—(1) Subject to subsection 3, a ratepayer may, within six weeks after the fact comes to his knowledge that a member of a council or of a local board may have contravened subsection 1 or 2 of section 2, apply to the judge by way of

originating notice in the manner prescribed by the rules of court for a determination of the question of whether or not a member of a council or of a local board has contravened subsection 1 or 2 of section 2.

(2) The ratepayer in his notice of motion shall state the grounds for finding a contravention by the member of council or of a local board of subsection 1 or 2 of section 2. Contents of notice of motion

(3) No application shall be brought under subsection 1 after the expiration of the term of office of the member of council or local board during which the contravention is alleged to have occurred. Time for bringing application limited

5.—(1) Where the judge determines that a member of council or of a local board has contravened subsection 1 or 2 of section 2, he shall, subject to subsection 2 of this section, declare the seat of the member vacant and may disqualify him from being a member of any council and of any local board during a period thereafter of not more than seven years. Judge may declare seat vacant and disqualify member

(2) Where the judge determines that a member of council or of a local board has contravened subsection 1 or 2 of section 2, if the judge finds that the contravention was committed through inadvertance or by reason of a *bona fide* error in judgment, the member is not subject to having his seat declared vacant or to being disqualified as a member, as provided by subsection 1. Saving

6.—(1) An appeal lies from any order made under section 5 to the Divisional Court in accordance with the rules of court. Appeal to Divisional Court

(2) The Divisional Court may give any judgment that ought to have been pronounced and its decision is final. Judgment

7.—(1) Section 2 does not apply to the election or appointment of a member of a council or local board to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position. Application of Act, to filling vacancies

(2) Nothing in this Act prevents a member of the council or of a local board from taking part in the consideration or discussion of, or from voting on any question in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which he may be entitled by reason of being a member of the council or local board or otherwise by law, as the case may be. to consideration of benefits to which all members entitled

Conflict

8. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails.

Commence-
ment

9. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

10. This Act may be cited as *The Municipal Conflict of Interest Act, 1972*.

CHAPTER 143

The Corporations Tax Act, 1972

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION

1.—(1) In this Act,Interpre-
tation

1. “adjusted cost base” has the meaning given to that expression by section 56;
2. “allowable capital loss” has the meaning given to that expression by section 40;
3. “amount” means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing, except that the “amount” of any stock dividend paid by a corporation is the amount of the increase in the paid-up capital of the corporation by virtue of the payment of the dividend;
4. “annuity” includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise;
5. “assessment” includes a reassessment;
6. “bank” means a corporation or joint stock company wherever incorporated for the purpose of doing a banking business or the business of a savings bank that transacts such business in Ontario, whether the head office is situate in Ontario or elsewhere;
7. “business” includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and

includes an adventure or concern in the nature of trade but does not include an office or employment;

1970-71,
c. 63 (Can.)

8. "Canadian-controlled private corporation" has the meaning given to that expression by subsection 6 of section 125 of the *Income Tax Act* (Canada);
9. "Canadian corporation" has the meaning given to that expression by subsection 1 of section 83;
10. "capital dividend" has the meaning given to that expression by subsection 2 of section 77;
11. "capital gain" for a fiscal year from the disposition of any property has the meaning given to that expression by section 41;
12. "capital interest" of a corporation in a trust has the meaning given to that expression by clause *b* of subsection 1 of section 97;
13. "capital loss" for a fiscal year from the disposition of any property has the meaning given to that expression by section 41;
14. "capital property" has the meaning given to that expression by section 56;
15. "common share" is a share the holder of which is not precluded upon the reduction or redemption of the capital stock from participating in the assets of the corporation beyond the amount paid up thereon plus a fixed premium and a defined rate of dividend;
16. "corporation" means any corporation however or wherever incorporated and where any corporation or the whole or any part of the property thereof is placed in the hands or under the control of an agent, assignee, trustee, liquidator, receiver or other official, includes such agent, assignee, trustee, liquidator, receiver or other official, but does not include a corporation incorporated without share capital;
17. "cost amount" to a person of any property at any time means, except as expressly otherwise provided in this Act,
 - i. where the property was depreciable property of the corporation of a prescribed class, that

proportion of the undepreciated capital cost to it of property of that class at that time that the capital cost to it of the property is of the capital cost to it of all property of that class,

- ii. where the property was capital property, other than depreciable property, of the corporation, its adjusted cost base to it at that time,
 - iii. where the property was property described in an inventory of the corporation, its value at that time as determined for the purpose of computing its income,
 - iv. where the property was eligible capital property of the corporation in respect of a business, the cumulative eligible capital of the corporation in respect of the business at that time,
 - v. where the property was a debt owing to the corporation, other than a debt the amount of which was deducted under clause *r* of subsection 1 of section 24 in computing the corporation's income for a fiscal year ending before that time, or any other right of the corporation to receive an amount, the amount of the debt or other right that was outstanding at that time, and
 - vi. in any other case, the cost to the corporation of the property as determined for the purpose of computing its income, except to the extent that such cost has been deducted in computing its income from any fiscal year ending before that time;
18. "cumulative eligible capital" has the meaning given to that expression by subsection 4 of section 18;
19. "deferred profit sharing plan" has the meaning given to that expression by subsection 1 of section 120;
20. "depreciable property" has the meaning given to that expression by subsection 17 of section 17;
21. "designated surplus" has the meaning given to that expression by Part VII of the *Income Tax Act*^{1970-71, c. 63 (Can.)} (Canada);

22. "dividend" includes a stock dividend, other than a stock dividend that was paid before 1972;
23. "eligible capital expenditure" has the meaning given to that expression by subsection 4 of section 18;
24. "eligible capital property" has the meaning given to that expression by section 56;
25. "employed" means performing the duties of an office or employment;
26. "employee" includes officer;
27. "employees profit sharing plan" has the meaning given to that expression by subsection 1 of section 118;
28. "employer", in relation to an officer, means the person from whom the officer receives his remuneration;
29. "employment" means the position of an individual in the service of some other person, including Her Majesty or a foreign state or sovereign, and "servant" or "employee" means a person holding such a position;
30. "exempt income" means money or property received or acquired by a corporation in such circumstances that it is, by reason of any provision in Part II, not included in computing its income, but for greater certainty does not include a dividend on a share;
31. "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit growing and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming;
32. "fiscal year" means the period for which the accounts of the business of a corporation are ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal year is that adopted by a corporation, but no fiscal year may exceed fifty-three weeks and any change in a usual and accepted fiscal year shall be made for the purposes of this Act only with the concurrence of or in accordance with the direction of the Minister;

33. "fishing" includes fishing for or catching shell fish, crustaceans and marine animals but does not include an office or employment under a person engaged in the business of fishing;
34. "gross revenue" means the aggregate of all amounts received in a fiscal year or receivable in the fiscal year, depending on the method regularly followed by the corporation in computing its profit, otherwise than as or on account of capital;
35. "income bond" or "income debenture" means respectively a bond or debenture in respect of which interest or dividends are payable only when the debtor corporation has made a profit before taking into account the interest or dividend obligation on such bond or debenture;
36. "income interest" of a corporation in a trust has the meaning given to that expression by subsection 1 of section 97;
37. "insurance corporation" or "insurer" means a corporation with or without share capital that carries on an insurance business;
38. "*inter vivos* trust" has the meaning given to that expression by subsection 1 of section 97;
39. "inventory" means a description of property the cost or value of which is relevant in computing the income of a corporation from a business for a fiscal year;
40. "jurisdiction" means a province or territory of Canada or a state outside Canada having sovereign power;
41. "life insurance business" includes,
 - i. an annuities business, and
 - ii. the business of issuing contracts all or any part of the issuer's reserves for which vary in amount depending upon the fair market value of a specified group of assets,

carried on by a life insurance corporation or life insurer;

42. "life insurance corporation" or "life insurer" means a corporation that carries on a life insurance business that is not a business described in subparagraph i or ii of paragraph 41 whether or not it also carries on a business described in either of those subparagraphs;
43. "listed personal property" has the meaning given to that expression by section 56;
44. "minerals" do not include petroleum, natural gas or related hydrocarbons, except coal or bituminous sands;
45. "mineral resource" means,
 - i. a base or precious metal deposit,
 - ii. a coal deposit,
 - iii. a bituminous sands deposit, or
 - iv. a mineral deposit in respect of which,
 - (A) the Minister has certified that the principal mineral extracted is an industrial mineral contained in a non-bedded deposit,
 - (B) the principal mineral extracted is sylvite,
 - (C) the principal mineral extracted is halite that is extracted by underground mining and not by operating a brine well,
 - (D) the principal mineral extracted is silica that is extracted from sandstone or quartzite, or
 - (E) the principal mineral extracted is gypsum;
46. "Minister" means the Minister of Revenue;
47. "net capital loss" has the meaning given to that expression by subsection 7 of section 99;
48. "non-capital loss" has the meaning given to that expression by subsection 7 of section 99;

49. "non-resident" means not resident in Canada;
50. "non-resident-owned investment corporation" has the meaning given to that expression by subsection 5 of section 110;
51. "paid-up capital deficiency" has the meaning given to that expression by clause *d* of subsection 1 of section 83;
52. "permanent establishment" has the meaning given to that expression by section 7;
53. "personal-use property" has the meaning given to that expression by section 56;
54. "preferred share" means a share other than a common share;
55. "prescribed" in the case of a form or the information to be given on a form, means prescribed by order of the Minister, and in any other case, means prescribed by regulation;
56. "principal amount" in relation to any obligation means the amount that, under the terms of the obligation or any agreement relating thereto, is the maximum amount or maximum aggregate amount, as the case may be, payable on account of the obligation by the issuer thereof, otherwise than as or on account of interest or as or on account of any premium payable by the issuer conditional upon the exercise by the issuer of a right to redeem the obligation before the maturity thereof;
57. "private corporation" has the meaning given to that expression by subsection 1 of section 83;
58. "property" means property of any kind whatsoever whether real or personal or corporeal or incorporeal and, without restricting the generality of the foregoing, includes a right of any kind whatever, a share or a chose in action and, unless a contrary intention is evident, money;
59. "public corporation" has the meaning given to that expression by subsection 1 of section 83;
60. "railway" includes a railway and part of a railway operated in whole or in part by steam, electricity or

other motive power, constructed and operated on highways or on land owned by the corporation that owns or operates it, or partly on highways and partly on such land, but does not include a street railway constructed or operated in whole or in part upon or along a highway under or by virtue of an agreement with or a by-law of a city or town;

61. "registered Canadian amateur athletic association" has the meaning given to that expression by subsection 4 of section 98;
62. "registered Canadian charitable organization" has the meaning given to that expression by subsection 4 of section 98;
63. "registered pension fund or plan" means an employees' superannuation or pension fund or plan accepted for registration by the Minister of National Revenue for purposes of the *Income Tax Act* (Canada) in respect of its constitution and operations for the fiscal year under consideration;
64. "registered supplementary unemployment benefit plan" has the meaning given to that expression by subsection 1 of section 119;
65. "regulations" means regulations made under this Act;
66. "resident in Canada" means resident in Canada for purposes of the *Income Tax Act* (Canada);
67. "restricted farm loss" has the meaning given to that expression by subsection 1 of section 33;
68. "share" means a share of capital stock of a corporation;
69. "shareholder" includes a member or other person entitled to receive payment of a dividend;
70. "subsidiary controlled corporation" means a corporation more than 50 per cent of the issued share capital of which, having full voting rights under all circumstances, belongs to the corporation to which it is subsidiary;
71. "subsidiary wholly-owned corporation" means a corporation all the issued share capital of which, except directors' qualifying shares, belong to the corporation to which it is subsidiary;

72. "superannuation or pension benefit" includes any amount received out of or under a superannuation or pension fund or plan and without restricting the generality of the foregoing, includes any payment made to a beneficiary under the fund or plan or to an employer or former employer of the beneficiary thereunder,
- i. in accordance with the terms of the fund or plan,
 - ii. resulting from an amendment to or modification of the fund or plan, or
 - iii. resulting from the termination of the fund or plan;
73. "supplementary unemployment benefit plan" has the meaning given to that expression by subsection 1 of section 119;
74. "tax payable" by a corporation under any Part of the Act means the tax payable by the corporation as fixed by assessment or reassessment subject to variation on objection or appeal, if any, in accordance with sections 154 to 160, as the case may be;
75. "taxable Canadian corporation" has the meaning given to that expression by subsection 1 of section 83;
76. "taxable Canadian property" has the meaning given to that expression by subsection 1 of section 115 of the *Income Tax Act* (Canada) except that, for the purposes only of section 2, the expression "taxable Canadian property" includes a Canadian resource property, within the meaning given to that expression by subsection 12 of section 63, any property that would have been a Canadian resource property within the meaning given to that expression by subsection 12 of section 63, if it had been acquired after 1971, and an income interest in a trust resident in Canada; ^{1970-71, c. 63 (Can.)}
77. "taxable capital gain" has the meaning given to that expression by section 40;
78. "taxable dividend" has the meaning given to that expression by subsection 1 of section 83;
79. "taxable income" has the meaning given to that expression by section 9;

80. "taxable income earned in Canada" has the meaning given to that expression by section 10;
81. "taxable net gain" from dispositions of listed personal property has the meaning given to that expression by section 43;
82. "taxation year" means that fiscal year in relation to which the amount of a tax under this Act is being calculated when the expression is used to distinguish it from another fiscal year;
83. "tax-paid undistributed surplus on hand" has the meaning given to that expression by subsection 1 of section 83;
84. "trust" has the meaning given to that expression by subsection 1 of section 248 of the *Income Tax Act* (Canada);
85. "unit trust" has the meaning given to that expression by subsection 2 of section 97;
86. "1971 capital surplus on hand" has the meaning given to that expression by subsection 1 or 2 of section 83;
87. "1971 undistributed income on hand" has the meaning given to that expression by subsection 4 or 5 of section 196 of the *Income Tax Act* (Canada).

1970-71,
c. 63 (Can.)

"Taxation
year"

(2) For the purposes of this Act, a reference to a taxation year ending in another year includes a reference to a taxation year ending coincidentally with that other year.

Arm's
length

(3) For the purposes of this Act,

- (a) related persons shall be deemed not to deal with each other at arm's length; and
- (b) it is a question of fact whether persons not related to each other were at a particular time dealing with each other at arm's length.

Relationship
defined

(4) For the purpose of this Act "related persons", or persons related to each other, are,

- (a) individuals connected by blood relationship, marriage or adoption;
- (b) a corporation and,
 - (i) a person who controls the corporation, if it is controlled by one person,

- (ii) a person who is a member of a related group that controls the corporation, or
 - (iii) any person related to a person described in subclause i or ii;
- (c) any two corporations,
- (i) if they are controlled by the same person or group of persons,
 - (ii) if each of the corporations is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,
 - (iii) if one of the corporations is controlled by one person and that person is related to any member of a related group that controls the other corporation,
 - (iv) if one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,
 - (v) if any member of a related group that controls one of the corporations is related to each member of an unrelated group that controls the other corporation, or
 - (vi) if each member of an unrelated group that controls one of the corporations is related to at least one member of an unrelated group that controls the other corporation.

(5) Where two corporations are related to the same cor- Corporations related to each other
 poration within the meaning of subsection 4, they shall, for
 the purposes of subsections 3 and 4, be deemed to be related
 to each other.

(6) In this Act,

Groups

- (a) “related group” means a group of persons each member of which is related to every other member of the group; and
- (b) “unrelated group” means a group of persons that is not a related group.

Control by
related
groups,
options, etc.

(7) For the purposes of subsection 4,

- (a) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part of a larger group by whom the corporation is in fact controlled;
- (b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provided that the right is not exercisable until the death of an individual designated therein, be deemed to have had the same position in relation to the control of the corporation as if he owned the shares; and
- (c) where a person owns shares in two or more corporations, he shall as shareholder of one of the corporations be deemed to be related to himself as shareholder of each of the other corporations.

Persons
related by
blood
relationship,
etc.

(8) For the purposes of this Act,

- (a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;
- (b) persons are connected by marriage if one is married to the other or to a person who is so connected by blood relationship to the other; and
- (c) persons are connected by adoption if one has been adopted, either legally or in fact, as a child of the other or as the child of a person who is so connected by blood relationship, otherwise than as a brother or sister, to the other. R.S.O. 1970, c. 91, s. 1, *amended*.

LIABILITY FOR TAXES

Taxes
payable

2.—(1) Every corporation that is incorporated under the laws of Canada or a province thereof and that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay to Her Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner provided in this Act. R.S.O. 1970, c. 91, s. 4 (1), *amended*.

(2) Every corporation that is incorporated under the laws^{Idem} of a jurisdiction outside Canada, which jurisdiction has not entered into a Tax Convention or Treaty with Canada for the fiscal year, and that at any time in the fiscal year or a previous fiscal year,

- (a) had a permanent establishment in Ontario within the meaning of section 7; or
- (b) owned real property in Ontario the income from which arose from the sale or rental thereof; or
- (c) disposed of taxable Canadian property within the meaning given to that expression by paragraph 77 of subsection 1 of section 1 that was property situated in Ontario as prescribed by regulation,

shall for every fiscal year of the corporation pay to Her Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner provided in this Act.

(3) Every corporation that is incorporated under the laws^{Idem} of a jurisdiction outside Canada, which jurisdiction has entered into a Tax Convention or Treaty with Canada for the fiscal year, and that, at any time in the fiscal year or a previous fiscal year,

- (a) had a permanent establishment in Ontario within the meaning of section 7; or
- (b) owned real property in Ontario the income from which arose from the sale or rental thereof and the corporation has elected to file a return of income under Part I of the *Income Tax Act* (Canada) pursuant to section 216 of that Act; or^{1970-71, c. 63 (Can.)}
- (c) disposed of taxable Canadian property within the meaning given to that expression by paragraph 77 of subsection 1 of section 1 that was property situated in Ontario as prescribed by regulation,

shall for every fiscal year of the corporation pay to Her Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner provided in this Act. R.S.O. 1970, c. 91, s. 4 (1), *amended*.

(4) For the purposes of the election referred to in clause *b*^{Idem} of subsection 3, the reference in that subsection to "at any time in the fiscal year or a previous fiscal year," shall be read without reference to "or a previous fiscal year".

3. For the purposes of subsection 2 or 3 of section 2, a corporation "owned real property" if it had a legal, equitable or beneficial interest in the real property. R.S.O. 1970, c. 91, s. 3 (10), *amended*.^{Interpretation}

Calendar
year

4. For the purposes of this Act, where a fiscal year is referred to by a reference to a calendar year, the reference is to the fiscal year or years coinciding with, or ending in, that year. R.S.O. 1970, c. 91, s. 4 (2).

Incomplete
fiscal
year

5. Where a corporation ceases to be liable for taxes imposed under this Act during a fiscal year or the existence of a corporation is terminated during a fiscal year, it shall, in respect of such incomplete fiscal year, pay the taxes imposed by this Act in the same manner as though such fiscal year ended on the date on which it ceased to be liable for taxes or upon which its existence was terminated, as the case may be. R.S.O. 1970, c. 91, s. 4 (3), *amended*.

How tax
to be
determined

6.—(1) Unless otherwise provided in this Act, any tax imposed by this Act shall be determined on the amount of the paid-up capital stock, mileage or other subject in respect of which the amount of the tax is to be ascertained as such paid-up capital stock, mileage or other subject stood at the close of the fiscal year of the corporation for which the tax is imposed.

Idem

(2) Any tax imposed by this Act that is to be calculated in respect of,

(a) the taxable income of a corporation; or

(b) the gross premiums that become payable to insurance corporations,

shall be calculated with reference to the taxable income earned or the gross premiums that become payable, as the case may be, during the fiscal year of the corporation for which the respective tax is imposed. R.S.O. 1970, c. 91, s. 72.

Permanent
establish-
ment

7.—(1) In this Act, "permanent establishment" includes branches, mines, oil wells, farms, timberlands, factories, workshops, warehouses, offices, agencies and other fixed places of business.

Idem

(2) Where a corporation carries on business through an employee or agent who has general authority to contract for the corporation or who has a stock of merchandise owned by the corporation from which he regularly fills orders which he receives, such employee or agent shall be deemed to operate a permanent establishment of the corporation.

Idem

(3) The fact that a corporation has business dealings through a commission agent, broker or other independent agent shall not of itself be deemed to mean that the corporation has a permanent establishment.

Idem

(4) The fact that a corporation has a subsidiary controlled corporation in a place or a subsidiary controlled corporation engaged in a trade or business in a place shall not of itself be

deemed to mean that the first-mentioned corporation is operating a permanent establishment in that place.

(5) An insurance corporation is deemed to have a permanent^{Idem} establishment in each jurisdiction in which the corporation is registered or licensed to do business.

(6) The fact that a corporation maintains an office solely for^{Idem} the purchase of merchandise shall not of itself be deemed to mean that the corporation has a permanent establishment in that office.

(7) Where a corporation, otherwise having a permanent^{Idem} establishment in Canada, owns land in a province, such land is a permanent establishment.

(8) The fact that a non-resident corporation in a fiscal year^{Idem} produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada whether or not the corporation exported that thing without selling it prior to exportation, shall of itself, for the purposes of this Act, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the fiscal year.

(9) The use of substantial machinery or equipment in a^{Idem} particular place at any time in a fiscal year of a corporation constitutes a permanent establishment of such corporation in that place for the fiscal year.

(10) Where a corporation has no fixed place of business, it^{Idem} has a permanent establishment in the principal place in which the corporation's business is conducted.

(11) A corporation has a permanent establishment in the^{Idem} place designated in its charter or by-laws as being its head office. R.S.O. 1970, c. 91, s. 3, *amended*.

PART II

DIVISION A—LIABILITY FOR INCOME TAX

8.—(1) Except as otherwise provided in this Part, every^{Income tax} corporation liable to the taxes imposed under this Act by virtue of subsection 1 of section 2, shall, for every fiscal year of the corporation pay an income tax as hereinafter required upon its taxable income.

(2) Except as otherwise provided in this Part, every cor-^{Idem}poration liable to the taxes imposed under this Act by virtue of subsection 2 or 3 of section 2, shall, for every fiscal year of the corporation pay an income tax as hereinafter required upon its taxable income earned in Canada. R.S.O. 1970, c. 91, s. 4 (1), *amended*.

Idem **9.** The taxable income of a corporation for a fiscal year is its income for the fiscal year minus the deductions permitted by Division C. R.S.O. 1970, c. 91, s. 14, *amended*.

Idem **10.** The taxable income earned in Canada of a corporation for a fiscal year is its taxable income earned in Canada determined under Division D. *New*.

Exemptions **11.** Except as provided in subsection 3 or 4 of section 122 no tax is payable under this Part upon the taxable income of a corporation for a period when that corporation was a corporation referred to in section 122. *New*.

DIVISION B—COMPUTATION OF INCOME

Basic Rules

Income for fiscal year **12.** The income of a corporation for a fiscal year for purposes of this Part is its income for the year determined by the following rules,

(a) determine the aggregate of amounts each of which is the income of the corporation for the fiscal year, other than a taxable capital gain from the disposition of a property, from a source inside or outside Canada, including, without restricting the generality of the foregoing, its income for the fiscal year from each business and property;

(b) determine the amount, if any, by which,

(i) the aggregate of its taxable capital gains for the fiscal year from dispositions of property other than listed personal property, and its taxable net gain for the fiscal year from dispositions of listed personal property,

exceeds,

(ii) its allowable capital losses for the fiscal year from dispositions of property other than listed personal property;

(c) determine the amount, if any, by which the aggregate determined under clause *a* plus the amount determined under clause *b* exceeds the aggregate of the deductions permitted by Subdivision D in computing the income of the corporation for the fiscal year, except such of or such part of those deductions, if any, as have been taken into account in determining the aggregate referred to in clause *a*; and

- (d) determine the amount, if any, by which the remainder determined under clause *c* exceeds the aggregate of amounts each of which is its loss for the fiscal year from a business or property,

and the remainder, if any, obtained under clause *d* is the income of the corporation for the fiscal year for the purposes of this Part. R.S.O. 1970, c. 91, s. 15, *amended*.

13.—(1) For the purposes of this Act,

- (a) the income or loss of a corporation for a fiscal year from a business, property or other source, or from sources in a particular place, is its income or loss, as the case may be, computed in accordance with this Act on the assumption that it had during the fiscal year no income or loss except from that source or no income or loss except from those sources, as the case may be, and was allowed no deductions in computing its income for the fiscal year except such deductions as may reasonably be regarded as wholly applicable to that source or to those sources, as the case may be, and except such part of any other deductions as may reasonably be regarded as applicable thereto; and R.S.O. 1970, c. 91, s. 25 (4), *amended*.

Income or
loss from
a source
or from
sources in a
place

- (b) where the business carried on or the service performed by a corporation was carried on or performed, as the case may be, partly in one place and partly in another place, the income or loss of the corporation for the fiscal year from the business carried on or the service performed by it in a particular place is the income or loss of the corporation, as the case may be, computed in accordance with this Act on the assumption that it had during the fiscal year no income or loss except from the part of the business that was carried on or the service performed in that particular place, as the case may be, and was allowed no deductions in computing its income for the fiscal year except such deductions as may reasonably be regarded as wholly applicable to that part of the business or the services performed, as the case may be, and except such part of any other deductions as may reasonably be regarded as applicable thereto. R.S.O. 1970, c. 91, s. 25 (5), *amended*.

(2) Subject to subsection 3, in applying subsection 1 for the purposes of this Part, no deductions permitted by subsection 1 of section 60 are applicable either wholly or in part to a particular source or to sources in a particular place, as the case may be. *New*.

Idem

Deductions
applicable

(3) In applying clause *b* of subsection 1 for the purposes of section 101 all deductions allowed in computing the income of a corporation for a fiscal year for the purposes of this Part shall be deemed to be applicable either wholly or in part to a particular source or to sources in a particular place, as the case may be. *New.*

Limitation
respecting
inclusions
and
deductions

(4) Unless a contrary intention is evident, no provision of this Part shall be read or construed to require the inclusion or to permit the deduction, in computing the income of a corporation for a fiscal year or its income or loss for a fiscal year from a particular source or from sources in a particular place, of any amount to the extent that that amount has been included or deducted, as the case may be, in computing such income or loss under, in accordance with or by virtue of any other provision of this Part. *New.*

SUBDIVISION A—INCOME OR LOSS FROM A BUSINESS OR PROPERTY

Basic Rules

Income
from
business or
property

14.—(1) Subject to this Part, the income of a corporation for a fiscal year from a business or property is its profit therefrom for the fiscal year. R.S.O. 1970, c. 91, s. 16, *amended.*

Loss from
business or
property

(2) Subject to section 33, the loss of a corporation for a fiscal year from a business or property is the amount of its loss, if any, for the fiscal year from that source computed by applying the provisions of this Act respecting computation of income from that source *mutatis mutandis.*

Gains and
losses not
included

(3) In this Act, “income from a property” does not include any capital gain from the disposition of that property and “loss from a property” does not include any capital loss from the disposition of that property. *New.*

Valuation
of inventory
property

15.—(1) For the purpose of computing income from a business, the property described in an inventory shall, except as provided in subsection 2, be valued at the same amount and for the same fiscal year, as is accepted for assessment under the *Income Tax Act* (Canada) and the regulations made thereunder. R.S.O. 1970, c. 91, s. 26 (1), *amended.*

1970-71,
c. 63 (Can.)

Idem

(2) Notwithstanding subsection 1, the Minister may determine the value of the property described in an inventory for the purposes of assessment under this Act if he is of the opinion that the values have been incorrectly determined by the corporation. *New.*

(3) Notwithstanding subsections 1 and 2, for the purpose of ^{Idem} computing income for a fiscal year from a business, the property described in an inventory at the commencement of the fiscal year shall be valued at the same amount as the amount at which it was valued at the end of the immediately preceding fiscal year for the purpose of computing income for that preceding fiscal year. R.S.O. 1970, c. 91, s. 26 (2), *amended*.

(4) Where the property described in the inventory of a ^{Incorrect valuation} business at the commencement of a fiscal year has, according to the method adopted by the corporation for computing income from the business for that fiscal year, not been valued as required by subsection 1 or 2, the property described therein at the commencement of that fiscal year shall, if the Minister so directs, be deemed to have been valued as required by that subsection. R.S.O. 1970, c. 91, s. 36, *amended*.

Inclusions

16.—(1) There shall be included in computing the income of a corporation for a fiscal year as income from a business ^{Amounts to be included as income from business or property} or property such of the following amounts as are applicable,

(a) any amount received by the corporation in the year ^{Services, etc., to be rendered} in the course of a business,

(i) that is on account of services not rendered or goods not delivered before the end of the year or that, for any other reason, may be regarded as not having been earned in the year or a previous year, or

(ii) under an arrangement or understanding that it is repayable in whole or in part on the return or resale to the corporation of articles in or by means of which goods were delivered to a customer; R.S.O. 1970, c. 91, s. 61 (1) (a).

(b) any amount receivable by the corporation in respect of property sold or services rendered in the course of a business in the year, notwithstanding that the amount may not be receivable until a subsequent year, unless the method adopted by the corporation for computing income from the business and accepted for the purpose of this Part does not require it to include any amount receivable in computing its income for a fiscal year unless it has been received in the year; R.S.O. 1970, c. 91, s. 61 (1) (b). ^{Amounts receivable in respect of services, etc., rendered}

(c) any amount received by the corporation in the year ^{Interest} or receivable by the corporation in the year, depend-

ing upon the method regularly followed by the corporation in computing its profit, as, on account or in lieu of payment of, or in satisfaction of, interest; R.S.O. 1970, c. 91, s. 17 (c).

Reserve for doubtful debts

- (d) any amount deducted as a reserve for doubtful debts in computing the corporation's income for the immediately preceding year; R.S.O. 1970, c. 91, s. 17 (e).

Reserves in respect of certain goods and services, etc.

- (e) any amount,
- (i) deducted under clause *o* of subsection 1 of section 24, including any amount substituted by virtue of subsection 7 of section 24 for any amount deducted under that clause, or subsection 8 of section 24, or
 - (ii) deducted under clause *p* of subsection 1 of section 24 or subsection 8 of section 24,

in computing the corporation's income from a business for the immediately preceding year; R.S.O. 1970, c. 91, s. 61 (1) (f).

Insurance proceeds expended

- (f) such part of any amount payable to the corporation as compensation for damage to, or under a policy of insurance in respect of damage to, property that is depreciable property of the corporation as has been expended by the corporation,

(i) within the year, and

(ii) within a reasonable time after the damage,

on repairing the damage; R.S.O. 1970, c. 91, s. 17 (f).

Payments based on production or use

- (g) any amount received by the corporation in the year that was dependent upon the use of or production from property whether or not that amount was an instalment of the sale price of the property, except that an instalment of the sale price of agricultural land is not included by virtue of this clause; R.S.O. 1970, c. 91, s. 17 (i).

Previous reserve for quadrennial survey

- (h) any amount deducted as a reserve under clause *q* of subsection 1 of section 24 in computing the corporation's income for the immediately preceding year; R.S.O. 1970, c. 91, s. 17 (g).

- (i) any amount received in the year on account of a debt in respect of which a deduction for bad debts had been made in computing the corporation's income for a previous year; R.S.O. 1970, c. 91, s. 17 (*h*).
Bad debts recovered
- (j) any amount required by Subdivision G to be included in computing the corporation's income for the year in respect of a dividend paid by a corporation resident in Canada on a share of its capital stock; R.S.O. 1970, c. 91, s. 17 (*a*).
Dividends from corporations resident in Canada
- (k) any amount required by Subdivision H to be included in computing the corporation's income for the year in respect of a dividend paid by a corporation not resident in Canada on a share of its capital stock;
Dividends from other corporations
- (l) any amount that is, by virtue of Subdivision I income of the corporation for the year from a business or property; R.S.O. 1970, c. 91, s. 17 (*d*).
Partnership income
- (m) any amount required by Subdivision J to be included in computing the income of a corporation for the year except any amount deemed by that subdivision to be a taxable capital gain of the corporation; and *New*.
Benefits from estates, etc.
- (n) any amount received by the corporation in the year under an employees profit sharing plan established for the benefit of employees of the corporation or of another corporation with whom the corporation does not deal at arm's length. R.S.O. 1970, c. 91, s. 17 (*j*).
Employees profit sharing plan

(2) Clauses *a* and *b* of subsection 1 are enacted for greater certainty and shall not be construed as implying that any amount not referred to therein is not to be included in computing income from a business for a fiscal year whether it is received or receivable in the year or not. R.S.O. 1970, c. 91, s. 61 (2).
Interpretation

17.—(1) Where depreciable property of a corporation of a prescribed class has, in a fiscal year, been disposed of and the proceeds of disposition exceed the undepreciated capital cost to it of depreciable property of that class immediately before the disposition, the lesser of,
Excess of proceeds over undepreciated capital cost

- (a) the amount of the excess; and
- (b) the amount that the excess would be if the property had been disposed of for the capital cost thereof to the corporation,

shall be included in computing the income of the corporation for the year. R.S.O. 1970, c. 91, s. 32 (1).

Deter-
mination of
net amount

(2) Where one or more amounts are by subsection 1 required to be included in computing a corporation's income for a fiscal year in respect of the disposition of depreciable property of a prescribed class and the corporation has, during the year but following the dispositions, acquired further depreciable property of that class, notwithstanding subsection 1 and clause *f* of subsection 17 the following rules apply,

(a) if the aggregate of the amounts that would, according to the terms of subsection 1, be included thereunder in computing the income of the corporation is equal to or exceeds the amount that would, according to the terms of clause *f* of subsection 17, be the undepreciated capital cost to the corporation of depreciable property of that class at the end of the year before any deduction is made under clause *a* of subsection 1 of section 24 for that year,

(i) the amount to be included in computing the income of the corporation for the year under subsection 1 in respect of dispositions of depreciable property of that class is that aggregate minus the amount that would be that undepreciated capital cost, and

(ii) the undepreciated capital cost to the corporation of depreciable property of that class at the end of the year is nil; and

(b) if the aggregate of the amounts that would, according to the terms of subsection 1, be included thereunder in computing the income of the corporation is less than the amount that would, according to the terms of clause *f* of subsection 17, be the undepreciated capital cost to the corporation of depreciable property of that class at the end of the year before any deduction is made under clause *a* of subsection 1 of section 24 for that year,

(i) no amounts shall be included in computing the income of the corporation for the year in respect of depreciable property of that class under subsection 1, and

(ii) the undepreciated capital cost to the corporation of depreciable property of that class at the end of the year before any deduction is made

under clause *a* of subsection 1 of section 24 for the year is the amount that it would be according to the terms of clause *f* of subsection 17 minus that aggregate. R.S.O. 1970, c. 91, s. 32 (2).

(3) Where an amount that would otherwise be included^{Insurance and compensation proceeds} in computing the income of a corporation for a fiscal year, hereinafter referred to as the "initial year", by virtue of this section is,

- (a) an amount payable, in respect of loss or destruction of property of a prescribed class,
 - (i) under a policy of insurance, or
 - (ii) otherwise as compensation for the property so lost or destroyed; or
- (b) an amount payable as compensation for property of a prescribed class taken under statutory authority or as the sale price of property sold to a person by whom notice of an intention to take it under statutory authority was given,

the following rules apply,

- (c) the amount shall not, to the extent that it has been expended by the corporation,
 - (i) in the fiscal year immediately following the initial year on acquiring property of the same class,
 - (ii) in the fiscal year immediately following the initial year on acquiring, if the property so lost, destroyed, taken or sold was a building, a building of a prescribed class, or
 - (iii) within a time certified by the Minister to be a reasonable time following the initial year, on acquiring, if the property so lost, destroyed, taken or sold was a vessel, a vessel of a prescribed class,

be included in computing the income of the corporation for the initial year; and

- (d) the amount shall, to the extent that it has not been included in computing the income of the corporation for the initial year, be deemed to be proceeds of a disposition made,

- (i) in the case of a vessel, in the fiscal year in which it is in whole or in part expended in accordance with clause *c*, but only to the extent that it is so expended in that year and only if such year is within the time certified by the Minister under subclause iii of clause *c*, and
- (ii) in the case of any other property, in the fiscal year immediately following the initial year,

of depreciable property of the corporation of the same class as the property so acquired. R.S.O. 1970, c. 91, s. 32 (5).

Transferred
property

(4) Where depreciable property of a corporation that was included in a prescribed class, hereinafter in this subsection referred to as the "former class", has been transferred to another prescribed class, hereinafter in this subsection referred to as the "other class", for the purposes of clause *f* of subsection 17,

- (a) there shall be added to the capital cost to the corporation of depreciable property of the former class acquired before the transfer, the greater of,
 - (i) the amount, if any, by which the capital cost to the corporation of the transferred property exceeds the undepreciated capital cost to the corporation of depreciable property of the former class immediately before the transfer, and
 - (ii) the aggregate of all amounts that would have been allowed to the corporation in respect of the transferred property, if it had been a prescribed class, at the rate that was allowed to the corporation in respect of property of the former class under regulations made under clause *a* of subsection 1 of section 24 in computing income for the fiscal years before the transfer; and
- (b) there shall be added to the total depreciation allowed to the corporation for property of the other class the greater of the amounts determined under subclauses i and ii of clause *a*. R.S.O. 1970, c. 91, s. 32 (6), *amended*.

Misclassified
property

(5) Where, in calculating the amount of a deduction allowed to a corporation under regulations made under clause *a* of subsection 1 of section 24 in respect of depreciable property of the corporation of a prescribed class, there has been added to

the capital cost to the corporation of depreciable property of that class the capital cost of depreciable property, hereinafter in this subsection referred to as "added property", of another prescribed class, for the purpose of this section and regulations made under clause *a* of subsection 1 of section 24 the added property shall, if the Minister so directs with reference to any fiscal year for which, within the time specified in clause *a* or *b* of subsection 4 of section 150, the Minister may make any reassessment or additional assessment or assess tax interest or penalties under this Part as the circumstances require, be deemed to have been property of the first-mentioned class and not of the other class at all times before the commencement of that year and, except to the extent that that property or any part thereof has been disposed of by the corporation before the commencement of that year, to have been transferred from the first-mentioned class to the other class at the commencement of that year. R.S.O. 1970, c. 91, s. 32 (7).

(6) For the purpose of this section and any regulations made ^{Rules} under clause *a* of subsection 1 of section 24, the following rules ^{applicable} apply:

1. Where a corporation having acquired property for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, has commenced at a later time to use it for some other purpose, the corporation shall be deemed to have disposed of it at that later time at its fair market value at that time. R.S.O. 1970, c. 91, s. 32 (8) par. 1.
2. Where a corporation, having acquired property for some other purpose, has commenced at a later time to use it for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, the corporation shall be deemed to have acquired it at that later time at its fair market value at that time. R.S.O. 1970, c. 91, s. 32 (8) par. 2.
3. Where property has, since it was acquired by a corporation, been regularly used in part for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business and in part for some other purpose, the corporation shall be deemed to have acquired, for the purpose of gaining or producing income, the proportion of the property that the use regularly made of the property for gaining or producing income is of the whole use regularly made of the property at a capital cost to the

corporation equal to the same proportion of the capital cost to it of the whole property; and, if the property has, in such a case, been disposed of, the proceeds of disposition of the proportion of the property deemed to have been acquired for gaining or producing income shall be deemed to be the same proportion of the proceeds of disposition of the whole property. R.S.O. 1970, c. 91, s. 32 (8) par. 5.

4. Where, at any time after a corporation has acquired property, there has been a change in the relation between the use regularly made by the corporation of the property for gaining or producing income and the use regularly made of the property for other purposes,
 - (i) if the use regularly made by the corporation of the property for the purpose of gaining or producing income has increased, the corporation shall be deemed to have acquired at that time depreciable property of that class at a capital cost equal to the proportion of the fair market value of the property as of that time that the amount of the increase in the use regularly made by the corporation of the property for that purpose is of the whole use regularly made of the property, and
 - (ii) if the use regularly made of the property for the purpose of gaining or producing income has decreased, the corporation shall be deemed to have disposed at that time of depreciable property of that class and the proceeds of disposition shall be deemed to be an amount equal to the proportion of the fair market value of the property as of that time that the amount of the decrease in the use regularly made by the corporation of the property for that purpose is of the whole use regularly made of the property. R.S.O. 1970, c. 91, s. 32 (8) par. 6.
5. Where a corporation has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, other than an amount authorized to be paid under an *Appropriation Act* (Canada) in respect of which the provisions of clause *e* of subsection 7 of section 13 of the *Income Tax Act* (Canada) would not apply, or an

amount authorized to be paid under the *Industrial Research and Development Incentives Act* (Canada) or the *Area Development Incentives Act* (Canada) and approved by the Minister, the capital cost of the property shall be deemed to be the capital cost thereof to the corporation minus the amount of the grant, subsidy or other assistance. R.S.O. 1970, c. 91, s. 32 (8) par. 8.

(7) In applying paragraphs 1, 2, 3 and 4 of subsection 6 in respect of a corporation not resident in Canada, a reference to a "business" shall be read as a reference to a business wholly carried on in Canada or such part of a business as is wholly carried on in Canada. R.S.O. 1970, c. 91, s. 32 (9). ^{"Business" defined}

(8) Where, in computing the income of a corporation for a fiscal year, an amount has been deducted under clause *ee* of subsection 1 of section 24 or the corporation has elected under subsection 10 of section 24 to make a deduction in respect of an amount that would otherwise have been deductible under that clause, the amount shall, if it was a payment on account of the capital cost of depreciable property, be deemed to have been allowed to the corporation in respect of the property under regulations made under clause *a* of subsection 1 of section 24 in computing the income of the corporation, ^{Application of s. 24 (1) (ee)}

(a) for the fiscal year; or

(b) for the fiscal year in which the property was acquired,

whichever is the later. R.S.O. 1970, c. 91, s. 32 (12).

(9) Where a deduction has been made under the *Canadian Vessel Construction Assistance Act* for any year, subsection 1 is applicable in respect of the prescribed class created by that Act or any other prescribed class to which the vessel may have been transferred. R.S.O. 1970, c. 91, s. 32 (13). ^{Where deduction under Canadian Vessel Construction Assistance Act}

(10) For the purposes of this section and any regulations made under clause *a* of subsection 1 of section 24 a vessel in respect of which any conversion cost is incurred after March 23, 1967 shall, to the extent of the conversion cost, be deemed to be included in a separate prescribed class. R.S.O. 1970, c. 91, s. 32 (14). ^{Conversion cost of vessel deemed prescribed class}

(11) Where a vessel owned by a corporation on January 1, 1966 or constructed pursuant to a construction contract entered into by the corporation prior to 1966 and not completed by that date is disposed of by the corporation before 1974, ^{Subs. 1 and Subdivision B not applicable in certain cases}

(a) subsection 1 and Subdivision B do not apply to the proceeds of disposition,

(i) if an amount at least equal to the proceeds of disposition is used by the corporation, before 1974 and during the fiscal year of the corporation in which the vessel is disposed of or within 4 months from the end of the fiscal year, under conditions satisfactory to the Minister, either for replacement or to incur any conversion cost with respect to a vessel owned by the corporation, or

(ii) if the Minister certifies that the corporation has, on satisfactory terms deposited,

(A) on or before the day on which the corporation is required to file a return for the fiscal year in which the vessel was disposed of, or

(B) on or before such day subsequent to the day referred to in sub-subclause A, as the Minister may specify in respect of the corporation,

an amount at least equal to the tax that would, but for this subsection, be payable by the corporation under this Part in respect of the proceeds of disposition, or satisfactory security therefor, as a guarantee that the proceeds of disposition will be used before 1974 for replacement; and

(b) the corporation may, within the time prescribed for the filing of a return for the fiscal year in which the vessel was disposed of, elect to have the vessel constituted a prescribed class, or, if any conversion cost in respect of the vessel has been included in a separate prescribed class, have it transferred to that class, and, if the corporation so elects, the vessel shall be deemed to have been so transferred immediately before the disposition thereof but this clause does not apply unless the proceeds of disposition of the vessel exceed the amount that would be the undepreciated capital cost of the property of the class to which it would be so transferred. R.S.O. 1970, c. 91, s. 32 (15).

Election in
respect of
proceeds of
disposition
of vessel

(12) Where a vessel owned by a corporation is disposed of by it, the corporation may, if subsection 11 does not apply

to the proceeds of disposition or if the corporation does not make an election under clause *b* of subsection 11, within the time prescribed for the filing of a return for the fiscal year in which the vessel is disposed of, elect to have the proceeds that would be included in computing its income for the year by virtue of this Part treated as proceeds of disposition of property of another prescribed class that includes a vessel owned by the corporation. R.S.O. 1970, c. 91, s. 32 (16).

(13) Where a separate prescribed class has been constituted either under this Act or the *Canadian Vessel Construction Assistance Act* by virtue of the conversion of a vessel owned by a corporation and the vessel is disposed of by the corporation, if no election is made under clause *b* of subsection 11, the separate prescribed class constituted by virtue of the conversion shall be deemed to have been transferred to the class in which the vessel was included immediately before the disposition thereof. R.S.O. 1970, c. 91, s. 32 (17).

Prescribed class constituted by conversion cost deemed part of class constituted by vessel on disposition

(14) Notwithstanding any other provision of this Act, where a corporation has,

Reassessments

- (a) expended an amount as described in subclause iii of clause *c* of subsection 3; or
- (b) made an election under clause *b* of subsection 11 with respect to a vessel and the proceeds of disposition of the vessel have been used before 1974 for replacement under conditions satisfactory to the Minister,

such reassessments of tax, interest or penalties shall be made as are necessary to give effect to subsections 3 and 11. R.S.O. 1970, c. 91, s. 32 (18).

(15) All or any part of a deposit made under subclause ii of clause *a* of subsection 11 or under the *Canadian Vessel Construction Assistance Act* may be paid out to or on behalf of any corporation which, under conditions satisfactory to the Minister and as a replacement for the vessel disposed of, acquires a vessel before 1974,

Disposition of deposit

- (a) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British Commonwealth Merchant Shipping Agreement (signed at London on December 10, 1931) applies; and

- (b) in respect of the capital cost of which no allowance has been made to any other corporation under this Act or the *Canadian Vessel Construction Assistance Act*,

or incurs any conversion cost with respect to a vessel owned by the corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the said British Commonwealth Merchant Shipping Agreement applies, but the ratio of the amount paid out to the amount of the deposit shall not exceed the ratio of the capital cost to the corporation of the vessel or the conversion cost to the corporation of the vessel, as the case may be, to the proceeds of disposition of the vessel disposed of; and any deposit or part of a deposit not so paid out before 1974 or not paid out pursuant to subsection 16 shall be paid to the Treasurer of Ontario. R.S.O. 1970, c. 91, s. 32 (19).

Idem

(16) Notwithstanding any other provision of this section, where a deposit was made by a corporation under subclause ii of clause *a* of subsection 11 and the proceeds of disposition in respect of which the deposit was made are not used by any corporation before 1974 under conditions satisfactory to the Minister as a replacement for the vessel disposed of,

- (a) to acquire a vessel described in clauses *a* and *b* of subsection 15; or
- (b) to incur any conversion cost with respect to a vessel owned by that corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British Commonwealth Merchant Shipping Agreement applies,

the Minister may refund to the corporation the deposit, or the part thereof not paid out to the corporation under subsection 15, as the case may be, in which case there shall be added, in computing the income of the corporation for the fiscal year of the corporation in which the vessel was disposed of, that proportion of the amount that would have been included in computing the income of the corporation for the year by virtue of this Part had the deposit not been made under subclause ii of clause *a* of subsection 11 that the portion of the proceeds of disposition not so used before 1974 as such a replacement is of the proceeds of disposition; and notwithstanding any other provision of this Act such reassessments of tax, interest or penalties shall be made as are necessary to give effect to this subsection. R.S.O. 1970, c. 91, s. 32 (20).

(17) In this section and any regulations made under ^{Interpre-} clause *a* of subsection 1 of section 24, ^{tation}

- (a) “conversion”, in respect of a vessel, means a conversion or major alteration in Canada by a corporation in accordance with plans approved in writing by the Minister of Industry, Trade and Commerce for purposes of the *Income Tax Act* (Canada) and by the Minister, and “conversion cost” means the cost of a conversion as determined by the Minister; <sup>1970-71,
c. 63 (Can.)</sup>
- (b) “depreciable property” of a corporation as of any time in a fiscal year means property in respect of which the corporation has been allowed, or is entitled to, a deduction under regulations made under clause *a* of subsection 1 of section 24 in computing income for that or a previous fiscal year;
- (c) “disposition of property” includes any transaction or event entitling a corporation to proceeds of disposition of property;
- (d) “proceeds of disposition” of property includes,
 - (i) the sale price of property that has been sold,
 - (ii) compensation for property unlawfully taken,
 - (iii) compensation for property destroyed and any amount payable under a policy of insurance in respect of loss or destruction of property,
 - (iv) compensation for property taken under statutory authority or the sale price of property sold to a person by whom notice of an intention to take it under statutory authority was given,
 - (v) compensation for property injuriously affected, whether lawfully or unlawfully or under statutory authority or otherwise,
 - (vi) compensation for property damaged and any amount payable under a policy of insurance in respect of damage to property, except to the extent that such compensation or amount, as the case may be, has within a reasonable time after the damage been expended on repairing the damage,

- (vii) an amount by which the liability of a corporation to a mortgagee is reduced as a result of the sale of mortgaged property under a provision of the mortgage, plus any amount received by the corporation out of the proceeds of such sale, and
 - (viii) any amount included in computing a corporation's proceeds of disposition of the property by virtue of clause *c* of section 70;
- (e) "total depreciation" allowed to a corporation before any time for property of a prescribed class means the aggregate of all amounts allowed to the corporation in respect of property of that class under regulations made under clause *a* of subsection 1 of section 24 in computing income for fiscal years before that time;
- (f) "undepreciated capital cost" to a corporation of depreciable property of a prescribed class as of any time means the capital cost to the corporation of depreciable property of that class acquired before that time minus the aggregate of,
- (i) the total depreciation allowed to the corporation for property of that class before that time,
 - (ii) for each disposition before that time of property of the corporation of that class, the least of,
 - (A) the proceeds of disposition of the property,
 - (B) the capital cost to the corporation of the property, and
 - (C) the undepreciated capital cost to the corporation of property of that class immediately before the disposition,
 - (iii) each amount by which the undepreciated capital cost to the corporation of depreciable property of that class as of the end of a previous year was reduced by virtue of subsection 2, and
 - (iv) where the property of that class was acquired by the corporation for the purpose of gaining or producing income from a mine and the cor-

poration so elects in prescribed manner and within a prescribed time in respect of that property, an amount equal to that portion of the income derived from the operation of the mine that is, by virtue of the provisions of the *Corporations Tax Application Rules, 1972* relating to income from the operation of new mines, not included in computing income of the corporation or any other corporation; and

- (g) "vessel" means a vessel as defined in the *Canada Shipping Act*. R.S.O. 1970, c. 91, s. 32 (4). R.S.C. 1970,
c. S-9

18.—(1) Where, as a result of a transaction occurring after 1971, an amount has become payable to a corporation in a fiscal year in respect of a business carried on or formerly carried on by the corporation and the consideration given by the corporation therefor was such that, if any payment had been made by the corporation after 1971 for that consideration, the payment would have been an eligible capital expenditure of the corporation in respect of the business, there shall be included in computing the corporation's income for the year from the business the amount, if any, by which one-half of the amount so payable, which one-half is hereafter in this section referred to as an "eligible capital amount" in respect of the business, exceeds the cumulative eligible capital of the corporation in respect of the business immediately before the amount so payable became payable to the corporation. Sale of
goodwill
and other
"nothings"

(2) Where any amount is, by any provision of this Act, deemed to be a corporation's proceeds of disposition of any property disposed of by the corporation at any time, for the purposes of subsection 1 that amount shall be deemed to have become payable to it at that time. Amount
deemed
payable

(3) Where a corporation has, during a fiscal year but after the latest time at which any amount payable to the corporation, in respect of which the corporation is required by subsection 1 to include an amount in computing its income for the year from a business, became payable to the corporation, made or incurred outlays or expenses that are eligible capital expenditures in respect of the business, notwithstanding subsection 1 and clause *a* of subsection 4, the following rules apply, Subsequent
outlays or
expenses

- (a) if the aggregate of the amounts that would, according to the terms of subsection 1, be included in computing the income of a corporation for the year from the business is equal to or exceeds its

cumulative eligible capital in respect of the business at the end of the year,

- (i) the amount to be included in computing the corporation's income for the year from the business under subsection 1 is that aggregate minus the amount that would otherwise be its cumulative eligible capital in respect of the business at the end of the year, and
 - (ii) the corporation's cumulative eligible capital in respect of the business at the end of the year is nil; and
- (b) if the aggregate of amounts that would, according to the terms of subsection 1, be included in computing the corporation's income for the year from the business is less than its cumulative eligible capital in respect of the business at the end of the year,
- (i) no amounts shall be included in computing the corporation's income for the year from the business under subsection 1, and
 - (ii) the corporation's cumulative eligible capital in respect of the business at the end of the year is the amount thereof otherwise determined minus that aggregate.

Inter-
pretation

(4) In this section,

(a) "cumulative eligible capital" of a corporation at any time in respect of a business means,

- (i) one-half of the aggregate of the eligible capital expenditures in respect of the business made or incurred by the corporation before that time,

minus,

- (ii) the aggregate of,

(A) all amounts each of which is an amount in respect of any fiscal year of the corporation ending before that time, equal to the amount deducted under clause *b* of subsection 1 of section 24 in computing the income of the corporation for that year from the business,

- (B) for each eligible capital amount in respect of the business that became payable to the corporation before that time, the lesser of,
 - 1. the eligible capital amount, and
 - 2. the cumulative eligible capital of the corporation in respect of the business immediately before the disposition as a result of which the eligible capital amount became payable, and
 - (C) all amounts by which the cumulative eligible capital of the corporation in respect of the business at the end of any fiscal year of the corporation ending before that time was reduced by virtue of subsection 3; and
- (b) “eligible capital expenditure” of a corporation in respect of a business means the portion of any outlay or expense made or incurred by it, as a result of a transaction occurring after 1971, on account of capital for the purpose of gaining or producing income from the business, other than any such outlay or expense,
- (i) in respect of which any amount is or would be, but for any provision of this Act limiting the quantum of any deduction, deductible, otherwise than under clause *b* of subsection 1 of section 24, in computing the income of the corporation from the business, or in respect of which any amount is, by virtue of any provision of this Act other than clause *b* of subsection 1 of section 22, not deductible in computing such income,
 - (ii) made or incurred for the purpose of gaining or producing income that is exempt income, or
 - (iii) that is the cost of, or any part of the cost of,
 - (A) tangible property of the corporation,
 - (B) intangible property that is depreciable property of the corporation,

- (C) property in respect of which any deduction, otherwise than under clause *b* of subsection 1 of section 24, is permitted in computing its income from the business or would be so permitted if its income from the business were sufficient for the purpose, or
- (D) an interest in, or right to acquire, any property described in any of sub-clauses A to C,

but, for greater certainty and without restricting the generality of the foregoing, does not include any portion of,

- (iv) any amount paid or payable, as the case may be, to any creditor of the corporation as, on account or in lieu of payment of any debt or as or on account of the redemption, cancellation or purchase of any bond or debenture,
- (v) any amount paid or payable, as the case may be, to a person as a shareholder of the corporation, or
- (vi) any amount that is the cost of, or any part of the cost of,
 - (A) an interest in a trust,
 - (B) an interest in a partnership,
 - (C) a share, bond, debenture, mortgage, hypothec, note, bill or other similar property, or
 - (D) an interest in, or right to acquire, any property described in any of sub-subclauses A to C. *New.*

Appropriation of property to shareholder

19.—(1) Where in a fiscal year,

- (a) a payment has been made by a corporation to a shareholder otherwise than pursuant to a *bona fide* business transaction;
- (b) funds or property of a corporation have been appropriated in any manner whatever to, or for the benefit of, a shareholder;

- (c) a benefit or advantage has been conferred on a shareholder by a corporation,

otherwise than,

- (d) on the reduction of capital, the redemption of shares or the winding-up, discontinuance or reorganization of its business, or otherwise by way of a transaction to which section 78 or 82 of this Act or Part II of the *Income Tax Act* (Canada) applies;

1970-71,
c. 63 (Can.)

- (e) by the payment of a dividend; or

- (f) by conferring on all holders of common shares of the capital stock of the corporation a right to buy additional common shares thereof,

the amount or value thereof shall be included in computing the income of the corporation that is a shareholder therein for the year. R.S.O. 1970, c. 91, s. 20 (1) (a).

(2) Where a corporation has in a fiscal year made a loan ^{Loan to shareholder} to a shareholder, the amount thereof shall be included in computing the income of the shareholder for the year unless,

- (a) the loan was made,
- (i) in the ordinary course of its business and the lending of money was part of its ordinary business,
 - (ii) to an officer or servant of the corporation to enable or assist him to purchase or erect a dwelling house for his own occupation,
 - (iii) to an officer or servant of the corporation to enable or assist him to purchase from the corporation fully paid shares of the corporation to be held by him for his own benefit, or
 - (iv) to an officer or servant of the corporation to enable or assist him to purchase an automobile to be used by him in the performance of the duties of his office or employment,

and *bona fide* arrangements were made at the time the loan was made for repayment thereof within a reasonable time; or

- (b) the loan was repaid within one year from the end of the fiscal year of the corporation in which it was made and it is established, by subsequent events or otherwise, that the repayment was not made as a part of a series of loans and repayments,

and, where the shareholder is a corporation, the amount so included in computing its income for the year shall be deemed to have been received by it as a dividend.

Interest
on income
bonds

(3) An annual or other periodic amount paid by a corporation resident in Canada to another corporation in respect of an income bond or income debenture shall be deemed to have been paid by the paying corporation and received by the receiving corporation as a dividend on the share of the capital stock of the paying corporation unless it is entitled to deduct the amount so paid in computing its income.

Idem

(4) An annual or other periodic amount paid by a corporation not resident in Canada to another corporation in respect of an income bond or income debenture shall be deemed to have been received by the receiving corporation as a dividend unless the amount so paid was, under the laws of the country in which the paying corporation was resident, deductible in computing the amount for the fiscal year on which the corporation was liable to pay income or profits tax imposed by the government of that country.

Application

(5) For greater certainty, subsections 1 and 2 are applicable in computing the income of a shareholder for the purposes of this Part whether or not the paying corporation had a permanent establishment in Ontario. R.S.O. 1970, c. 91, s. 20 (4), *amended*.

Income and
capital
combined

20.—(1) Where a payment under a contract or other arrangement can reasonably be regarded as being in part a payment of interest or other payment of an income nature and in part a payment of a capital nature, the part of the payment that can reasonably be regarded as a payment of interest or other payment of an income nature shall, irrespective of when the contract or arrangement was made or the form or legal effect thereof, be included in computing the recipient's income from property. R.S.O. 1970, c. 91, s. 19 (1).

Obligation
issued at
discount

(2) Where, in the case of a bond, debenture, bill, note, mortgage, hypothec or similar obligation issued after December 20, 1960 and before June 18, 1971 by a person exempt from tax under section 149 of the *Income Tax Act* (Canada), a non-resident person not carrying on business in Canada, or a government, municipality or municipal or other public body performing a function of government,

1970-71,
c. 63 (Can.)

- (a) the obligation was issued for an amount that is less than the principal amount thereof;
- (b) the interest stipulated to be payable on the obligation, expressed in terms of an annual rate on,
 - (i) the principal amount thereof, if no amount is payable on account of the principal amount before the maturity of the obligation, or
 - (ii) the amount outstanding from time to time as or on account of the principal amount thereof, in any other case,

is less than 5 per cent; and

- (c) the yield from the obligation, expressed in terms of an annual rate on the amount for which the obligation was issued, which annual rate shall, if the terms of the obligation or any agreement relating thereto conferred upon the holder thereof a right to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, before the maturity of the obligation, be calculated on the basis of the yield that produces the highest annual rate obtainable either on the maturity of the obligation or conditional upon the exercise of any such right, exceeds the annual rate determined under clause *b* by more than one-third thereof,

the amount by which the principal amount of the obligation exceeds the amount for which the obligation was issued shall be included in computing the income of the corporation that is the first owner of the obligation that is a resident of Canada and is not a corporation exempt from tax under section 149 of the *Income Tax Act* (Canada) or a government, for the fiscal year of the owner of the obligation in which it became the owner thereof. R.S.O. 1970, c. 91, s. 19 (2), *amended*.^{1970-71, c. 63 (Can.)}

(3) Where, in the case of a bond, debenture, bill, note,^{Idem} mortgage, hypothec or similar obligation issued after June 18, 1971 by a person exempt from tax under section 149 of the *Income Tax Act* (Canada), a non-resident person not carrying on business in Canada, or a government, municipality or municipal or other public body performing a function of government,

- (a) the obligation was issued for an amount that is less than the principal amount thereof; and

- (b) the yield from the obligation, expressed in terms of an annual rate on the amount for which the obligation was issued, which annual rate shall, if the terms of the obligation or any agreement relating thereto conferred upon the holder thereof a right to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, before the maturity of the obligation, be calculated on the basis of the yield that produces the highest annual rate obtainable either on the maturity of the obligation or conditional upon the exercise of any such right, exceeds four-thirds of the interest stipulated to be payable on the obligation, expressed in terms of an annual rate on,
 - (i) the principal amount thereof, if no amount is payable on account of the principal amount before the maturity of the obligation, or
 - (ii) the amount outstanding from time to time as or on account of the principal amount thereof, in any other case,

the amount by which the principal amount of the obligation exceeds the amount for which the obligation was issued shall be included in computing the income of the corporation that is the first owner of the obligation that is a resident of Canada and is not a corporation exempt from tax under section 149 of the *Income Tax Act* (Canada) or a government, for the fiscal year of the owner of the obligation in which it became the owner thereof. *New.*

1970-71,
c. 63 (Can.)

Application
of subs. 1

- (4) Subsection 1 does not apply to any amount received by a corporation in a fiscal year,
 - (a) as an annuity payment;
 - (b) as a refund of premiums or contributions paid by the holder of a life annuity contract, as defined by regulation, upon the death of such holder; or
 - (c) in satisfaction of the rights of the corporation under a life annuity contract, as defined by regulation, that was entered into before June 14, 1963 except to the extent that the amount so received, exceeds the aggregate of,
 - (i) the value of its rights under the contract on the second anniversary date of the contract to occur after October 22, 1968, and

- (ii) the aggregate of premiums paid by the corporation under the contract after the said second anniversary date. R.S.O. 1970, c. 91, s. 19 (5).

(5) Subsection 1 does not apply in any case where sub-^{Idem}section 2 or 3 applies. R.S.O. 1970, c. 91, s. 19 (4).

21.—(1) Where a corporation resident in Canada has loaned ^{Loan to non-resident person} money to a non-resident person and the loan has remained outstanding for one year or longer without interest at a reasonable rate having been included in computing the lender's income, interest thereon, computed at 5 per cent per annum for the fiscal year or part of the year during which the loan was outstanding, shall, for the purpose of computing the lender's income, be deemed to have been received by the lender on the last day of each fiscal year during all or part of which the loan has been outstanding.

(2) Subsection 1 does not apply if the loan was made to ^{Exception}a subsidiary controlled corporation and it is established that the money that was loaned was used in the subsidiary corporation's business for the purpose of gaining or producing income. R.S.O. 1970, c. 91, s. 30.

Deductions

22.—(1) In computing the income of a corporation from a ^{General limitations}business or property no deduction shall be made in respect of,

- (a) an outlay or expense except to the extent that it was ^{General limitation}made or incurred by the corporation for the purpose of gaining or producing income from the business or property;
- (b) an outlay, loss or replacement of capital, a payment ^{Capital outlay or loss}on account of capital or an allowance in respect of depreciation, obsolescence or depletion except as expressly permitted by this Part;
- (c) an outlay or expense to the extent that it may ^{Limitation re exempt income}reasonably be regarded as having been made or incurred for the purpose of gaining or producing exempt income or in connection with property the income from which would be exempt;
- (d) the annual value of property except rent for prop-^{Annual value of property}erty leased by the corporation for use in its business;

Reserves,
etc.

- (e) an amount transferred or credited to a reserve, contingent account or sinking fund except as expressly permitted by this Part;

Payments on
discounted
bonds

- (f) an amount paid or payable as or on account of the principal amount of any obligation described in clause *f* of subsection 1 of section 24 except as expressly permitted by that clause;

Payments on
income
bonds

- (g) an amount paid by a corporation as interest or otherwise to holders of its income bonds or income debentures unless the bonds or debentures have been issued or the income provisions thereof have been adopted since 1930,

(i) to afford relief to the debtor from financial difficulties, and

(ii) in place of or as an amendment to bonds or debentures that at the end of 1930 provided unconditionally for a fixed rate of interest;

Limitation re
employer's
contribution
under
supple-
mentary
unemploy-
ment benefit
plan

- (h) an amount paid by a corporation to a trustee under a supplementary unemployment benefit plan except as expressly permitted by section 119;

Limitation re
employer's
contribution
under
deferred
profit
sharing
plan

- (i) an amount paid by a corporation to a trustee under a deferred profit sharing plan except as expressly permitted by section 120;

Limitations
re employer's
contribution
under profit
sharing plan

- (j) an amount paid by a corporation to a trustee under a profit sharing plan that is not,

(i) an employees profit sharing plan,

(ii) a deferred profit sharing plan, or

(iii) a registered pension fund or plan; or

Use of
recreational
facilities
and club
dues

- (k) an outlay or expense made or incurred by the corporation after 1971,

(i) for the use or maintenance of property that is a yacht, a camp, a lodge or a golf course or facility, unless the corporation made or incurred the outlay or expense in the ordinary course of its business of providing the property for hire or reward, or

(ii) as membership fees or dues, whether initiation fees or otherwise, in any club the main purpose of which is to provide dining, recreational or sporting facilities for its members.

- (l) the amount of a management or administration ^{Management fee} fee or charge paid or credited, or deemed to be paid or credited, to a non-resident person to the extent that such amount is subjected to taxation under paragraph *a* of subsection 1 of section 212 of the *Income Tax Act* (Canada); ^{1970-71, c. 63 (Can.)}

- (m) where a corporation has agreed to sell or issue ^{Special Provision} shares of the capital stock of the corporation or of a corporation with which it does not deal at arm's length to an employee of the corporation or of a corporation with which it does not deal at arm's length, the income for a fiscal year of the corporation or of a corporation with which it does not deal at arm's length shall be deemed to be not less than its income for the fiscal year would have been if a benefit had not been conferred on the employee by the sale or issue of the shares to him or to a person in whom his rights under the agreement have become vested. R.S.O. 1970, c. 91, s. 24.

(2) Notwithstanding clause *c* of subsection 1 of section 24, ^{Limitation re certain interest and property taxes on land} in computing the income of the corporation for a fiscal year from a business or property, no deduction shall be made in respect of any amount paid or payable by the corporation in the year and after 1971 as, on account or in lieu of payment of, or in satisfaction of,

- (a) interest on borrowed money used to acquire land, or on an amount payable by the corporation for land; or
- (b) property taxes, not including income or profits taxes or taxes computed by reference to the transfer of property, paid or payable by the corporation in respect of land to a province or a Canadian municipality,

if, having regard to all the circumstances, including the cost to the corporation of the land in relation to its gross revenue, if any, therefrom for that or any previous year, the land cannot reasonably be considered to have been, in that year,

- (c) included in the inventory of a business carried on by the corporation;
- (d) otherwise used in, or held in the course of, carrying on a business carried on by the corporation; or

- (e) held primarily for the purpose of gaining or producing income of the corporation from the land for that year,

except to the extent that the corporation's gross revenue, if any, from the land for that year exceeds the aggregate of all other amounts deducted in computing its income from the land for that year.

Meaning of
"land" in
subs. 2

- (3) In subsection 2, "land" does not include,

- (a) any property that is a building or other depreciable property affixed to land;
- (b) the land subjacent to any property described in clause *a*; or
- (c) such land immediately contiguous to the land described in clause *b* as may reasonably be considered to be used in connection with any property described in clause *a*.

Limitation re
deduction of
interest by
certain
corporations

(4) Notwithstanding any other provision of this Act, in computing the income for a fiscal year of a corporation resident in Canada from a business or property, no deduction shall be made in respect of that proportion of any amount otherwise deductible in computing its income for the year in respect of interest paid or payable by it on outstanding debts to specified non-residents that,

- (a) the amount, if any, by which,
 - (i) the greatest amount that the corporation's outstanding debts to specified non-residents was at any time in the year,

exceeds,

- (ii) three times the aggregate of,

- (A) the corporation's paid-up capital limit within the meaning of subsection 1 of section 83 at the commencement of the year,
- (B) the amount that the corporation's designated surplus would be immediately after the commencement of the year, if control of the corporation, within the meaning of Part VII of

the *Income Tax Act* (Canada), had been acquired by another corporation at that time, <sup>1970-71,
c. 63 (Can.)</sup>

- (C) the corporation's tax-paid undistributed surplus on hand at the commencement of the year,
- (D) the corporation's 1971 capital surplus on hand at the commencement of the year, and
- (E) the corporation's capital dividend account, within the meaning of subsection 1 of section 83 immediately after the commencement of the year,

is of,

- (b) the amount determined under subclause i of clause a in respect of the corporation for the year. R.S.O. 1970, c. 91, s. 22.

(5) In subsection 4, "outstanding debts to specified non-residents" of a corporation at any particular time in a fiscal year means the aggregate of amounts each of which is an amount outstanding at that time as or on account of a debt or other obligation to pay an amount, <sup>Meaning of
certain
expressions
in subs. 4</sup>

- (a) that was payable by the corporation to a person who was, at any time in the year,
 - (i) a shareholder of the corporation who, either alone or together with persons with whom the shareholder was not dealing at arm's length, owned 25 per cent or more of the issued shares of any class of the corporation and who was,
 - (A) a person not resident in Canada, or
 - (B) a non-resident-owned investment corporation, or
 - (ii) a person described in sub-subclause A or B of subclause i who was not dealing at arm's length with a shareholder described in subclause i, and

- (b) on which any amount in respect of interest paid or payable by the corporation is or would be, but

for subsection 4, deductible in computing the corporation's income for the year.

Loan made
on condition

(6) Where any loan is made by a person, in this subsection referred to as the "first lender", to another person on condition that a loan be made by any person, in this subsection referred to as the "subsequent lender", to a corporation to which the provisions of subsection 1 of section 2 apply, for the purposes of subsections 4 and 5 the lesser of,

- (a) the amount of the loan so made by the first lender to the other person; and
- (b) the amount of the loan so made by the subsequent lender to the corporation,

shall be deemed to be a debt incurred by the corporation to the first lender.

Limitation on
application
of s. 25 where
subs. 4
applicable

(7) Where,

- (a) section 25 is applicable in respect of an amount or a part of an amount specified by a corporation resident in Canada in its election under that section that, but for that section, would have been deductible in computing its income for a fiscal year;
- (b) a portion of the amount or of the part of the amount described in clause *a* may reasonably be considered to be an amount that, but for section 25, would have been deductible in computing the income of the corporation for the year in respect of interest paid or payable by it on outstanding debts to specified non-residents; and
- (c) subsection 4 is or would be, if this Act were read without reference to section 25, applicable in computing the income of the corporation for the year,

notwithstanding section 25, that proportion of the portion described in clause *b* that, but for this subsection, would,

- (d) be added by virtue of section 25 to the capital cost to the corporation of depreciable property acquired by it; or
- (e) be deemed by section 25 to be exploration, prospecting and development expenses incurred by it in the year,

as the case may be, that the amount determined under clause *a* of subsection 4 in respect of the corporation for the year is of the amount determined under clause *b* of subsection 4 in respect of the corporation for the year shall not be so added or be so deemed, as the case may be. *New.*

23. In computing income, no deductions shall be made in respect of an otherwise deductible outlay or expense of a corporation for advertising space in an issue of a non-Canadian newspaper or periodical dated after the 31st day of December, 1965, for an advertisement directed primarily to a market in Canada if such outlay or expense is not deductible in computing its income under Part I of the *Income Tax Act* (Canada) pursuant to section 19 of that Act. R.S.O. 1970, c. 91, s. 24 (3), *amended.* Limitation re advertising expense
1970-71, c. 63 (Can.)

24.—(1) Notwithstanding clauses *a* and *b* of subsection 1 of section 22, in computing a corporation's income for a fiscal year from a business or property, there may be deducted such of the following amounts as are wholly applicable to that source or such part of the following amounts as may reasonably be regarded as applicable thereto, Deductions permitted in computing income from business or property

- (a) such part of the capital cost to the corporation of property, or such amount in respect of the capital cost to the corporation of property, if any, as is allowed by regulation; Capital cost of property
- (b) such amount as the corporation may claim in respect of any business, not exceeding 10 per cent of its cumulative eligible capital in respect of the business at the end of the year; Cumulative eligible capital amount
- (c) an amount paid in the year or payable in respect of the fiscal year, depending upon the method regularly followed by the corporation in computing its income, pursuant to a legal obligation to pay interest on, Interest
 - (i) borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt or to acquire a life insurance policy,
 - (ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, other than property the income from which would be exempt or property that is an interest in a life insurance policy, or

(iii) subject to the approval of the Minister, an amount paid to the corporation under,

(A) an *Appropriation Act* (Canada) for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry, or

(B) the *Northern Mineral Exploration Assistance Regulations* made under an *Appropriation Act* (Canada),

or a reasonable amount in respect thereof, whichever is the lesser;

Compound
interest

(d) an amount paid in the fiscal year pursuant to a legal obligation to pay interest on an amount that would be deductible under clause *c* if it were paid in the fiscal year or payable in respect of the fiscal year;

Expense of
issuing
shares or
borrowing
money

(e) an expense incurred in the fiscal year,

(i) in the course of issuing or selling shares of the capital stock of the corporation, or

(ii) in the course of borrowing money used by the corporation for the purpose of earning income from a business or property, other than money used by the corporation for the purpose of acquiring property the income from which would be exempt,

but not including any amount in respect of,

(iii) a commission or bonus paid or payable to a person to whom the shares were issued or sold or from whom the money was borrowed, or for or on account of services rendered by a person as a salesman, agent or dealer in securities in the course of issuing or selling the shares or borrowing the money, or

(iv) an amount paid or payable as or on account of the principal amount of the indebtedness incurred in the course of borrowing the money, or as or on account of interest;

Discount
on certain
obligations

(f) an amount paid in the year in satisfaction of the principal amount of any bond, debenture, bill, note, mortgage, hypothec or similar obligation issued by

the corporation after June 18, 1971 on which interest was stipulated to be payable, to the extent that the amount so paid does not exceed,

- (i) in any case where the obligation was issued for an amount not less than 97 per cent of the principal amount thereof, and the yield from the obligation, expressed in terms of an annual rate on the amount for which the obligation was issued, which annual rate shall, if the terms of the obligation or any agreement relating thereto conferred upon the holder thereof a right to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, before the maturity of the obligation, be calculated on the basis of the yield that produces the highest annual rate obtainable either on the maturity of the obligation or conditional upon the exercise of any such right, does not exceed four-thirds of the interest stipulated to be payable on the obligation, expressed in terms of an annual rate on,

- (A) the principal amount thereof, if no amount is payable on account of the principal amount before the maturity of the obligation, or

- (B) the amount outstanding from time to time as or on account of the principal amount thereof, in any other case,

the amount by which the lesser of the principal amount of the obligation and the amount so paid in satisfaction of the principal amount thereof exceeds the amount for which the obligation was issued, and

- (ii) in any other case, one-half of the amount by which the lesser of the principal amount of the obligation and the amount so paid in satisfaction of the principal amount thereof exceeds the amount for which the obligation was issued;

- (g) an amount payable in the year as a fee for services rendered by a person as a registrar of or agent for the transfer of shares of the capital stock of the

Share
transfer
and other
fees

corporation or as an agent for the remittance to shareholders of the corporation of dividends declared by it;

Idem

- (h) an amount payable in the year as a fee to a stock exchange for the listing of shares of the capital stock of the corporation;

Idem

- (i) an expense incurred in the year in the course of printing and issuing a financial report to shareholders of the corporation or to any other person entitled by law to receive such report;

Certification
fee paid to
bank

R.S.C. 1970,
c. B-1

- (j) an amount payable by the corporation in the year as a fee to a bank to which the *Bank Act* (Canada) or the *Quebec Savings Banks Act* applies for the certification of a non-interest-bearing post-dated bill drawn by the corporation on the bank and payable not more than 90 days from the date of the certification;

Sale of
bill

- (k) where a bill described in clause j that was drawn by the corporation has been sold by the corporation in the fiscal year, the amount, if any, by which the principal amount of the bill exceeds the consideration paid by the purchaser to the corporation for the bill so sold;

Repayment
of loan by
shareholder

- (l) such part of any loan repaid by the corporation in the fiscal year as was by subsection 2 of section 19 required to be included in computing the income of the corporation for a previous year, except to the extent that the amount of the loan was deductible from the corporation's income for the purpose of computing its taxable income for that previous year, if it is established by subsequent events or otherwise that the repayment was not made as part of a series of loans and repayments;

Combined
income and
capital

- (m) such part of a payment,
- (i) repaying borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt, or
 - (ii) for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from

a business, other than property the income from which would be exempt,

made by the corporation in the fiscal year as is by subsection 1 of section 20 required to be included in computing the recipient's income for a fiscal year;

(n) a reasonable amount as a reserve for,

Reserve for doubtful debts

- (i) doubtful debts that have been included in computing the income of the corporation for that fiscal year or a previous fiscal year, and
- (ii) doubtful debts arising from loans made in the ordinary course of business by a corporation part of whose ordinary business was the lending of money;

(o) subject to subsection 7, where amounts described in clause *a* of subsection 1 of section 16 have been included in computing the corporation's income from a business for the fiscal year or a previous fiscal year, a reasonable amount as a reserve in respect of,

Reserve in respect of certain goods and services

- (i) goods that it is reasonably anticipated will have to be delivered after the end the year,
- (ii) services that it is reasonably anticipated will have to be rendered after the end of the year,
- (iii) periods for which rent or other amounts for the possession or use of land or chattels have been paid in advance, or
- (iv) repayments under arrangements or understandings of the class described in subclause ii of clause *a* of subsection 1 of section 16 that it is reasonably anticipated will have to be made after the end of the year on the return or resale to the corporation of articles other than bottles;

(p) where an amount has been included in computing the corporation's income from the business for the fiscal year or for a previous fiscal year in respect of property sold in the course of the business and that amount or a part thereof is not receivable,

Reserve for amount not receivable until later year

- (i) where the property sold is property other than land, until a day that is,

- (A) more than two years after the day on which the property was sold,

and

- (B) after the end of the fiscal year, or

- (ii) where the property sold is land, until a day that is after the end of the fiscal year,

a reasonable amount as a reserve in respect of such part of the amount so included in computing the income as may reasonably be regarded as a portion of the profit from the sale;

Reserve for quadrennial survey

R.S.C. 1970, c. S-9

- (q) such amount as may be prescribed as a reserve for expenses to be incurred by the corporation by reason of quadrennial or other special surveys required under the *Canada Shipping Act*, or the regulations thereunder, or under the rules of any society or association for the classification and registry of shipping approved by the Minister of Transport for the purposes of the *Canada Shipping Act*;

Bad debts

- (r) the aggregate of debts owing to the corporation,
- (i) that are established by the corporation to have become bad debts in the fiscal year, and
- (ii) that have, except in the case of debts arising from loans made in the ordinary course of business by a corporation part of whose ordinary business was the lending of money, been included in computing the income of the corporation for the fiscal year or a previous fiscal year;

Employer's contribution to pension fund

- (s) an amount paid by the corporation in the fiscal year or within 120 days from the end of the fiscal year to or under a registered pension fund or plan in respect of services rendered by employees of the corporation in the fiscal year, subject, however, as follows:
- (i) in any case where the amount so paid is the aggregate of amounts each of which is identifiable as a specified amount in respect of an individual employee of the corporation, the amount deductible under this clause in respect of any one such individual employee is the lesser of the amount so specified in respect of that employee and \$2,500, and

- (ii) in any other case, the amount deductible under this clause is the lesser of the amount so paid and an amount determined in prescribed manner, not exceeding, however, \$2,500 multiplied by the number of employees of the corporation in respect of whom the amount so paid by the corporation was paid by it,

plus such amount as may be deducted as a special payment under clause *u*;

- (*t*) where a registered pension fund or plan contains ^{Idem} a provision under which the corporation may provide superannuation or pension benefits for an employee or former employee of the corporation by making a lump sum payment to or under the fund or plan in the fiscal year in which the employee or former employee,

- (i) becomes eligible to retire,
- (ii) retires or otherwise ceases to be employed by the corporation, or
- (iii) reaches an age at which the superannuation or pension benefits so provided for become payable or commence to be payable to him,

an amount paid by the corporation in the fiscal year or within 60 days from the end of the fiscal year pursuant thereto as the lump sum in respect of an employee or former employee who, in the fiscal year, became eligible to retire, retired or otherwise ceased to be employed by the corporation or reached the age referred to in subclause iii, except to the extent that it is deductible under clause *s*;

- (*u*) where the corporation is an employer, the amount of a special payment made by it in the fiscal year ^{Employer's special contribution} on account of an employees' superannuation or pension fund or plan in respect of past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan were required to be augmented by an amount not less than the amount of the special payment to ensure that all the obligations of the fund or plan to the employees may be discharged in full, if the payment was made so that it is irrevocably vested in or for the fund or plan and the payment has been

approved by the Minister, and for greater certainty and without restricting the generality of this clause, it is hereby declared that this clause is applicable where the resources of a fund or plan were required to be augmented by reason of an increase in the superannuation or pension benefits payable out of or under the fund or plan;

Scientific
research

- (v) such amount in respect of expenditures on scientific research as is permitted by section 39;

Patronage
dividends

- (w) such amounts in respect of payments made by the corporation pursuant to allocations in proportion to patronage as are permitted by section 112;

Mining taxes

- (x) such amount as is allowed by regulation in respect of taxes on income for the fiscal year from mining operations;

Employer's
contribution
under profit
sharing plan

- (y) an amount paid by a corporation to a trustee in trust for employees of such corporation or of a corporation with which such corporation does not deal at arm's length, under an employees profit sharing plan as permitted by section 118;

Employer's
contribution
under
registered
supple-
mentary
unemploy-
ment
benefit plan

- (z) an amount paid by the corporation to a trustee under a registered supplementary unemployment benefit plan as permitted by section 119;

Employer's
contribution
under
deferred
profit
sharing plan

- (aa) an amount paid by the corporation to a trustee under a deferred profit sharing plan as permitted by subsection 5 of section 120;

Cancellation
of lease

- (bb) an amount that would not otherwise be deductible, paid by the corporation in the fiscal year to a person with whom it was dealing at arm's length for the cancellation of a lease of property of the corporation leased by it to that person;

Landscaping
of grounds

- (cc) an amount paid by the corporation in the fiscal year for the landscaping of grounds around a building or other structure of the corporation that is used by it primarily for the purpose of gaining or producing income therefrom or from a business;

One-half fees
paid to in-
vestment
counsel

- (dd) an amount equal to one-half of the fee paid by the corporation in the fiscal year to a person for advice as to the advisability of purchasing or selling a specific share or security, if that person's principal business is advising others as to the advisability of purchasing or selling specific shares or securities;

(ee) an amount paid by the corporation in the fiscal year as or on account of expenses incurred by it in making any representation relating to a business carried on by it, ^{Expenses of representation}

(i) to the government of a country, province or state or to a municipal or public body performing a function of government in Canada, or

(ii) to an agency of a government or of a municipal or public body referred to in subclause i that had authority to make rules, regulations or by-laws relating to the business carried on by the corporation,

including any representation for the purpose of obtaining a licence, permit, franchise or trade mark relating to the business carried on by the corporation;

(ff) an amount paid by the corporation in the fiscal year for investigating the suitability of a site for a building or other structure planned by the corporation for use in connection with a business carried on by the corporation; and ^{Investigation of site}

(gg) an amount paid by the corporation in the fiscal year to a person, other than a person with whom the corporation was not dealing at arm's length, for the purpose of making a service connection to its place of business for the supply, by means of wires, pipe or conduits, of electricity, gas, telephone service, water or sewers supplied by such person, to the extent that the amount so paid was not paid, ^{Utilities service connection}

(i) to acquire property of the corporation, or

(ii) as consideration for the goods or services for the supply of which the service connection was undertaken or made. R.S.O. 1970, c. 91, s. 23, *amended*.

(2) No corporation shall sell, pledge, assign or in any way dispose of any security received by it as payment in whole or in part for any property sold by it, where the corporation has set up a reserve in respect of the sale of the property under this section unless the corporation has provided the Minister, in writing, with the names of the purchaser, pledgee or assignee and with the amount of cash to be received by the corporation for the security and has obtained the written consent of the Minister with respect to such transaction. R.S.O. 1970, c. 91, s. 61 (9). ^{Disposal of security where reserve re sale of property}

Borrowed
money

(3) For the purposes of clause *c* of subsection 1, where a corporation has borrowed money in consideration of its promise to pay a larger amount and to pay interest on the larger amount,

- (a) the larger amount shall be deemed to be the amount borrowed; and
- (b) where the amount actually borrowed has been used in whole or in part for the purpose of earning income from a business or property, the proportion of the larger amount that the amount actually so used is of the amount actually borrowed shall be deemed to be the amount so used. R.S.O. 1970, c. 91, s. 23 (6).

Idem

(4) For greater certainty, it is hereby declared that where a corporation has borrowed money,

- (a) to repay money previously borrowed; or
- (b) to pay an amount payable for property described in subclause ii of clause *c* of subsection 1 previously acquired,

the borrowed money shall, for the purposes of section 25 and clause *c* or *m* of subsection 1, be deemed to have been used for the purpose for which the money previously borrowed was used or was deemed by this subsection to have been used, or to acquire the property in respect of which the said amount was so payable, as the case may be. R.S.O. 1970, c. 91, s. 23 (7).

Uncol-
lectable
portion of
proceeds
of dis-
position
of
depreciable
property

(5) Where an amount that is owing to a corporation as or on account of the proceeds of disposition of depreciable property of the corporation of a prescribed class is established by it to have become a bad debt in a fiscal year, there may be deducted in computing the income of the corporation for the fiscal year, the lesser of,

- (a) the amount so owing to the corporation; and
- (b) the amount, if any, by which the capital cost to the corporation of that property exceeds the aggregate of the amounts, if any, realized by it on account of the proceeds of disposition. R.S.O. 1970, c. 91, s. 23 (14).

Sale of
agreement
for sale of
mortgage
included
in proceeds
of disposition

(6) Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the corporation has, in a subsequent fiscal year, sold to a person with whom it was dealing at

arm's length, there may be deducted in computing the income of the corporation for the subsequent fiscal year an amount equal to the lesser of,

- (a) the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the agreement for sale, mortgage or hypothec; and
- (b) the amount determined under clause *a* less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the corporation of that property. R.S.O. 1970, c. 91, s. 23 (15).

(7) Where an amount is deductible in computing income for a fiscal year under clause *o* of subsection 1 as a reserve in respect of, ^{Special reserves}

- (a) articles of food or drink that it is reasonably anticipated will have to be delivered after the end of the year; or
- (b) transportation that it is reasonably anticipated will have to be provided after the end of the year,

there shall be substituted for the amount determined thereunder an amount not exceeding the aggregate of amounts included in computing the corporation's income from the business for the year that were received or receivable, depending on the method regularly followed by the corporation in computing its profit, in the year in respect of,

- (c) articles of food or drink not delivered before the end of the year; or
- (d) transportation not provided before the end of the year,

as the case may be. R.S.O. 1970, c. 91, s. 61 (3).

(8) Clause *o* of subsection 1 does not apply to allow a ^{Exception} deduction,

- (a) as a reserve in respect of guarantees, indemnities or warranties;
- (b) in computing the income of a corporation for a fiscal year from a business in any case where the corpora-

tion's income for the fiscal year from that business is computed in accordance with the method authorized by subsection 1 of section 31; or

- (c) as a reserve in respect of insurance, except that an insurance corporation shall, in computing its income for a fiscal year from an insurance business, other than a life insurance business, carried on by it, deduct as policy reserves such amounts as are prescribed for the purposes of this clause. R.S.O. 1970, c. 91, s. 61 (4).

No deduction
in respect of
property
in certain
circum-
stances

(9) Clause *p* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year from a business in respect of property sold in the course of the business where the corporation ceases to have a permanent establishment in Canada or becomes exempt from tax under any provision of this Part at any time in the fiscal year or in the immediately following fiscal year. R.S.O. 1970, c. 91, s. 61 (7).

Application
of subs.
1 (*ee*)

(10) In lieu of making any deduction of an amount permitted by clause *ee* of subsection 1 in computing its income for a fiscal year from a business a corporation may, if it so elects in prescribed manner, make a deduction of one-tenth of that amount in computing its income for that fiscal year and a like deduction in computing its income for each of the immediately following fiscal years. R.S.O. 1970, c. 91, s. 23 (17).

Foreign
state
income
taxes

(11) In computing the income of a corporation for a fiscal year from a business carried on by the corporation in a country other than Canada, there may be deducted the amount, if any, of any income or profits taxes paid to the government of a state, province or other political subdivision of that country to the extent that such taxes,

- (a) were deductible under the laws of that country in computing the amount for the year on which the corporation is liable to pay income or profits tax imposed by the government of that country; and

- (b) may reasonably be regarded as having been paid in respect of the income of the corporation for the fiscal year from that business. *New.*

Accrued
bond
interest

(12) Where, by virtue of an assignment or other transfer of a bond, debenture or similar security, other than an income bond or an income debenture, including for greater certainty an assignment or other transfer after June 18, 1971 of a bill, note, mortgage, hypothec or similar obligation, the transferee

has become entitled to interest in respect of a period commencing before the time of transfer and ending after that time that is not payable until after the time of transfer, an amount equal to that proportion of the interest that the number of days in the portion of the period that preceded the day of transfer is of the number of days in the whole period,

- (a) shall be included in computing the income of the transferor for the fiscal year in which the transfer was made; and
- (b) may be deducted in computing the income of the transferee for a fiscal year in the computation of which there has been included,
 - (i) the full amount of the interest under section 16, or
 - (ii) a portion of the interest under clause *a*. R.S.O. 1970, c. 91, s. 31.

25.—(1) Where in a fiscal year a corporation has acquired property in respect of which the corporation is entitled to a deduction under regulations made under clause *a* of subsection 1 of section 24 in computing its income for that fiscal year, in this section referred to as “depreciable property”, if the corporation so elects in prescribed manner on or before the day on or before which the corporation is required by section 145 to file its return for the fiscal year,

- (a) in computing the corporation’s income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *c*, *d* and *e* of subsection 1 of section 24 do not apply to the amount or to the part of the amount specified by the corporation in its election that, but for this subsection, would have been deductible in computing the corporation’s income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it; and
- (b) the amount or part of the amount, as the case may be, described in clause *a* shall be added to the capital cost to it of the depreciable property so acquired by it. R.S.O. 1970, c. 91, s. 68 (1).

(2) Where in a fiscal year a corporation has used borrowed money for the purpose of exploration, prospecting or develop-

Cost of
borrowed
money

Borrowed
money
used for
exploration,
prospecting
and
development

ment, and the expenses incurred by the corporation in respect of exploration, prospecting and development are deductible in computing its income for the fiscal year by virtue of section 63 or would be so deductible by virtue of that section if the corporation had sufficient income for that fiscal year to permit the deduction, if the corporation so elects in prescribed manner on or before the day on or before which the corporation is required by section 145 to file its return for the fiscal year,

- (a) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *c*, *d* and *e* of subsection 1 of section 24 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing the corporation's income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of borrowed money used for exploration, prospecting and development; and
- (b) the amount or the part of the amount, as the case may be, described in clause *a* shall be deemed to be exploration, prospecting and development expenses incurred by the corporation in the fiscal year. R.S.O. 1970, c. 91, s. 68 (2).

Idem

(3) In computing the income of the corporation for a fiscal year, where the corporation,

- (a) in any preceding fiscal year made an election under subsection 1 in respect of borrowed money used to acquire depreciable property or an amount payable for depreciable property acquired by it; and
- (b) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing the corporation's income, other than exempt income, for each such year by virtue of clauses *c*, *d* and *e* of subsection 1 of section 24 in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it,

if it so elects in prescribed manner on or before the day on or before which it is required by section 145 to file its return for the fiscal year, clauses *c*, *d* and *e* of subsection 1

of section 24 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing the corporation's income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it, and the said amount or part of the amount, as the case may be, shall be added to the capital cost to it of the depreciable property so acquired by it. R.S.O. 1970, c. 91, s. 68 (3).

(4) In computing the income of a corporation for a fiscal ^{Idem} year, where the corporation,

- (a) in any preceding fiscal year made an election under subsection 2 in respect of borrowed money used for the purpose of exploration, prospecting or development; and
- (b) in each fiscal year, if any, after that preceding year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such year by virtue of clauses *c*, *d* and *e* of subsection 1 of section 24 in respect of the borrowed money used for the exploration, prospecting and development,

if the corporation so elects in prescribed manner on or before the day on or before which it is required by section 145 to file its return for the fiscal year, clauses *c*, *d* and *e* of subsection 1 of section 24 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing the corporation's income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development, and the said amount or part of the amount, as the case may be, shall be deemed to be exploration, prospecting and development expenses incurred by the corporation in that year. R.S.O. 1970, c. 91, s. 68 (4).

(5) Notwithstanding any other provision of this Act, where <sup>Reassess-
ments</sup> a corporation has made an election in accordance with the provisions of subsection 1 or 2, such reassessments of tax, interest or penalties shall be made as are necessary to give effect thereto. R.S.O. 1970, c. 91, s. 68 (5).

Ceasing to Carry on Business

Sale of
accounts
receivable

26.—(1) Where a person who has been carrying on a business has, in a fiscal year, sold all or substantially all the property used in carrying on the business, including the debts that have been or will be included in computing his income for that fiscal year or a previous fiscal year and that are still outstanding, and including the debts arising from loans made in the ordinary course of his business if part of his ordinary business was the lending of money and that are still outstanding, to a purchaser who proposes to continue the business which the vendor has been carrying on, if the vendor and the purchaser have executed jointly an election in prescribed form to have this section apply, the following rules are applicable,

- (a) there may be deducted in computing the vendor's income for the fiscal year an amount equal to the difference between the face value of the debts so sold, other than debts in respect of which the vendor has made deductions under clause *r* of subsection 1 of section 24, and the consideration paid by the purchaser to the vendor for the debts so sold;
- (b) an amount equal to the difference described in clause *a* shall be included in computing the purchaser's income for the fiscal year;
- (c) the debts so sold shall be deemed, for the purposes of clauses *n* and *r* of subsection 1 of section 24 to have been included in computing the purchaser's income for the fiscal year or a previous fiscal year but no deduction may be made by the purchaser under clause *r* of subsection 1 of section 24 in respect of a debt in respect of which the vendor has previously made a deduction; and
- (d) each amount deducted by the vendor in computing income for a previous fiscal year under clause *r* of subsection 1 of section 24 in respect of any of the debts so sold shall be deemed, for the purpose of clause *i* of subsection 1 of section 16, to have been so deducted by the purchaser. R.S.O. 1970, c. 91, s. 62 (1).

Statement
by vendor
and
purchaser

(2) An election executed for the purposes of subsection 1 shall contain a statement by the vendor and the purchaser jointly as to the consideration paid for the debts sold by the vendor to the purchaser and that statement shall, as against the Minister, be binding upon the vendor and the purchaser

in so far as it may be relevant in respect of any matter arising under this Act. R.S.O. 1970, c. 91, s. 62 (2), *amended*.

27.—(1) Where, upon or after disposing of or ceasing to carry on a business or a part of a business, a corporation has sold all or any part of the property that was included in the inventory of the business, the property so sold shall, for the purposes of this Part, be deemed to have been sold by the corporation in the course of carrying on the business. R.S.O. 1970, c. 91, s. 63 (1). Sale of inventory

(2) Where a person who has been carrying on a business has sold all or part of the property that was included in the inventory of the business, whether or not he has disposed of or ceased to carry on that business or a part of that business, to a person who has used all or part of the property so sold as inventory of a business carried on or to be carried on by the purchaser, and the amount of the consideration paid by the purchaser is, in part, consideration for the property so sold and, in part, consideration for something else, the following rules are applicable, Agreement as to price paid by vendor and purchaser

- (a) such part of the consideration as the vendor and the purchaser have, in writing, agreed to be the price paid for the property so sold shall be deemed, both for the purpose of computing income from the business of the vendor and for the purpose of computing income from the business of the purchaser, to be the price so paid; and
- (b) where an agreement as contemplated by clause *a* has not been filed with the Minister within sixty days after notice in writing by the Minister has been forwarded to the vendor and the purchaser that such an agreement is required for the purpose of any assessment of tax under this Act, such part of the consideration paid as is fixed by the Minister shall be deemed to be the price agreed upon by them as the price paid for the property so sold. R.S.O. 1970, c. 91, s. 63 (2).

(3) A reference in this section to property that was included in the inventory of a business shall be deemed to include a reference to property that would have been so included if the income from the business had not been computed in accordance with the method authorized by subsection 1 of section 31 or clause *d* of subsection 1 of section 36. R.S.O. 1970, c. 91, s. 63 (3). Reference to property included in inventory

Ceasing to
carry on
business

28.—(1) Notwithstanding clause *b* of subsection 1 of section 22, where a corporation has ceased to carry on a business, in computing the income of the corporation for its fiscal year in which it so ceased to carry on the business,

- (a) there shall be deducted the amount of its cumulative eligible capital in respect of the business at the time the corporation so ceased to carry on the business;
- (b) no amount is deductible by virtue of clause *b* of subsection 1 of section 24 in respect of the business; and
- (c) notwithstanding clause *a* of subsection 4 of section 18, its cumulative eligible capital in respect of the business immediately after the time the corporation so ceased to carry on the business shall be deemed to be nil.

Where
business
carried on
by controlled
corporation

(2) Where an individual has ceased to carry on a business and thereafter a corporation controlled directly or indirectly in any manner whatever by him, has carried on the business, in computing the cumulative eligible capital in respect of the business of the corporation at any time after the end of the fiscal year in which the individual so ceased to carry on the business, there shall be included the amount of the individual's cumulative eligible capital in respect thereof at the end of that fiscal year. *New.*

Special Cases

Banks

29.—(1) There shall be included in computing the income for a fiscal year of a bank, the amount by which the aggregate of the amounts that, at the end of the fiscal year, are set aside or reserved by way of write-down of the value of assets or appropriation to contingency reserves or contingent accounts for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises, or other contingencies, is, in the opinion of the Minister, having regard to all the circumstances, in excess of the reasonable requirements of the bank. R.S.O. 1970, c. 91, s. 21.

Idem

(2) Notwithstanding clauses *a* and *b* of subsection 1 of section 22, there may be deducted in computing the income for a fiscal year of a bank, such amount as is set aside or reserved for the fiscal year either by way of write-down of the value of assets or appropriation to any contingency reserve or contingent account for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the

value of assets other than bank premises, or other contingencies, and is, in the opinion of the Minister, having regard to all the circumstances, not in excess of the reasonable requirements of the bank. R.S.O. 1970, c. 91, s. 23 (8).

30.—(1) Where a corporation to which the exemptions provided by clause *b* of subsection 1 of section 122 and the specially reduced tax provided by subsection 1 of section 135 would otherwise apply is prescribed by regulation, such exemptions and specially reduced tax do not apply. R.S.O. 1970, c. 91, s. 59 (1). Crown corporations

(2) Where land has been transferred to a corporation prescribed in the regulations for the purpose of disposition, the acquisition of the property by the corporation and any disposition thereof shall be deemed not to have been in the course of the business carried on by the corporation. R.S.O. 1970, c. 91, s. 59 (4). Transfers of land for disposition

31.—(1) For the purpose of computing the income of a corporation for a fiscal year from a farming business, the income from the business for that fiscal year may, if the corporation so elects under subsection 1 of section 28 of the *Income Tax Act* (Canada), be computed in accordance with a method, hereinafter in this section referred to as the “cash” method, whereby the income therefrom for that fiscal year shall be deemed to be an amount equal to, Farming business
1970-71,
c. 63 (Can.)

(a) the aggregate of all amounts that,

- (i) were received in the year, or are deemed by this Act to have been received in the year, in the course of carrying on the business, and
- (ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be included in computing income therefrom for that or any other year,

minus,

(b) the aggregate of all amounts that,

- (i) were paid in the year, or are deemed by this Act to have been paid in the year, in the course of carrying on the business, and
- (ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the

cash method, be deductible in computing income therefrom for that or any other year,

any minus and deductions for the year permitted by clauses *a* and *b* of subsection 1 of section 24. R.S.O. 1970, c. 91, s. 64 (1) (*a*).

Idem

(2) Subsection 1 does not apply for the purpose of computing the income of a corporation for a fiscal year from a farming business carried on by it jointly with one or more other persons, unless each of the other persons by whom the business is jointly carried on has elected to have his income from the business for that year computed in accordance with the method authorized by that subsection. R.S.O. 1970, c. 91, s. 64 (2).

Concurrence of Minister

(3) Where a corporation has filed a return under Part V for a fiscal year wherein its income for that fiscal year from a farming business has been computed in accordance with the method authorized by subsection 1, income from the business for a subsequent fiscal year shall, subject to the other provisions of this Part, be computed in accordance with that method unless the corporation, with the concurrence of the Minister and upon such terms and conditions as are specified by the Minister, adopts some other method. R.S.O. 1970, c. 91, s. 64 (3).

Change in residence

(4) Where a corporation that, at a time when it was a resident of Canada, carried on a business the income from which was computed in accordance with the method authorized by subsection 1 has, upon or after disposing of or ceasing to carry on the business or a part of the business, ceased to be a resident of Canada in a fiscal year, an amount equal to the value, at the time it ceased to be a resident of Canada, of,

- (a) such part of the property that would have been included in the inventory of the business or the part of the business if the income from the business had not been computed in accordance with the method authorized by subsection 1 as remained the property of the corporation at the time it ceased to be a resident of Canada; and
- (b) such part of amounts outstanding at the time the corporation ceased to be a resident of Canada as or on account of debts owing to the corporation that arose in the course of carrying on the business as would have been included in computing its income for the fiscal year if the amounts had been received by it in the year at a time when it was a resident of Canada,

shall be included in computing its income for the fiscal year. R.S.O. 1970, c. 91, s. 64(4), *amended*.

(5) There shall be included in computing the income of a corporation for a fiscal year such part of an amount received by it in the year, upon or after disposing of or ceasing to carry on a business or a part of a business, for, on account or in lieu of payment of, or in satisfaction of debts owing to the corporation that arose in the course of carrying on the business as would have been included in computing the income of the corporation for the fiscal year had the amount so received been received by it in the course of carrying on the business. R.S.O. 1970, c. 91, s. 64 (5). ^{Accounts receivable}

32. Notwithstanding clauses *a* and *b* of subsection 1 of section 22, there may be deducted in computing a corporation's income for a fiscal year from a farming business any amount paid by it in the fiscal year for clearing land, levelling land or laying tile drainage for the purpose of carrying on the farming business. R.S.O. 1970, c. 91, s. 23 (16). ^{Clearing land, levelling land and laying tile drainage}

33.—(1) Where a corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income, for the purposes of sections 12 and 99 its loss, if any, for the fiscal year from all farming businesses carried on by it shall be deemed to be the lesser of, ^{Loss from farming where chief source of income not farming}

(a) the amount by which the aggregate of its losses for the fiscal year otherwise determined from all farming businesses carried on by it exceeds the aggregate of its incomes for the fiscal year from all such businesses; and

(b) \$2,500 plus the lesser of,

(i) one-half of the amount by which the amount determined under clause *a* exceeds \$2,500, and

(ii) \$2,500,

and for the purposes of this Act the amount, if any, by which the amount determined under clause *a* exceeds the amount determined under clause *b* is the corporation's "restricted farm loss" for the fiscal year. R.S.O. 1970, c. 91, s. 25 (1).

(2) For the purpose of this section, the Minister may determine that a corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income. R.S.O. 1970, c. 91, s. 25 (2). ^{Determination by Minister}

Insurance
agents
and brokers

34.—(1) Clause *o* of subsection 1 of section 24 does not apply to allow a deduction to an insurance agent or broker in respect of unearned commissions but a corporation may, in computing its income from a business as an insurance agent or broker for a fiscal year, deduct as a reserve in respect of unearned commissions an amount equal to the proportion of an amount that has been included in computing its income for the fiscal year or a previous fiscal year as a commission in respect of an insurance contract, other than a life insurance contract, that,

- (a) the number of days in that portion of the period provided for in the insurance contract that is after the end of the fiscal year,

is of,

- (b) the whole of that period. R.S.O. 1970, c. 91, s. 61 (5).

Reserve
to be
included

(2) There shall be included as income of a corporation for a fiscal year from a business as an insurance agent or broker, the amount deducted under subsection 1 in computing its income therefrom for the immediately preceding fiscal year. *New.*

Lending
of money
on security

35.—(1) In computing the income for a fiscal year of a corporation whose business includes the lending of money on the security of a mortgage, hypothec or agreement of sale of real property, there may be deducted as a reserve, in lieu of any deduction under clause *n* of subsection 1 of section 24, such amount as the corporation may claim not exceeding the lesser of,

- (a) $1\frac{1}{2}$ per cent of the aggregate of,

- (i) each amount outstanding at the end of the fiscal year as or on account of the principal amount of loans made by the corporation on the security of a mortgage, hypothec or agreement of sale of real property, or as or on account of the principal amount of any such mortgage, hypothec or agreement of sale purchased by it,
- (ii) each amount due and unpaid at the end of the fiscal year as or on account of interest payable to the corporation under a mortgage, hypothec or agreement of sale of real property, and

- (iii) each amount that has been taken into account in computing the income of the corporation for the fiscal year as or on account of the value of real property of the corporation that was included in the inventory of the corporation at the end of the fiscal year and that was acquired, by foreclosure or otherwise, after default made under a mortgage, hypothec or agreement of sale of real property, otherwise than as or on account of the value of real property in respect of which any amount for the fiscal year has been included under subclause i or ii; and

- (b) the amount, if any, deducted under this subsection as a reserve in computing the corporation's income for the immediately preceding fiscal year plus one-third of the amount determined under clause a,

but no deduction may be made under this subsection as a reserve in respect of loans made on the security of a mortgage or hypothec under the *National Housing Act* (Canada) or any of the Housing Acts as defined in section 2 of the *Central Mortgage and Housing Corporation Act* (Canada). R.S.O. 1970, c. 91, s. 65 (a). R.S.C. 1970,
cc. N-10, C-16

(2) There shall be included as income of a corporation for a fiscal year from a business described in subsection 1, the amount deducted under that subsection as a reserve in computing its income therefrom for the immediately preceding fiscal year. R.S.O. 1970, c. 91, s. 65 (b). Reserve
to be
included

36.—(1) In computing the income of a corporation for a fiscal year from a business that is a profession, the following rules apply, Professional
business

- (a) clause b of subsection 1 of section 16 and clause o of subsection 1 of section 24 are not applicable;
- (b) every amount that becomes receivable by it in the fiscal year in respect of property sold or services rendered in the course of the business shall be included;
- (c) for the purposes of clause b, an amount shall be deemed to have become receivable in respect of services rendered in the course of the business on the day that is the earliest of,
 - (i) the day upon which the account in respect of the services was rendered,

(ii) the day upon which the account in respect of those services would have been rendered had there been no undue delay in rendering the account in respect of the services, and

(iii) the day upon which the corporation was paid for the services; and

1970-71,
c. 63 (Can.)

(d) where the corporation so elects in its return of income under Part I of the *Income Tax Act* (Canada) for the fiscal year, no amount shall be included in respect of work in progress at the end of the fiscal year, except as otherwise provided by this section.

Application
of subs. 1 (d)
where
election
made

(2) Where a corporation has elected that clause *d* of subsection 1 be applicable in computing its income for a fiscal year from a business that is a profession, that clause shall apply in computing its income from the business for all subsequent fiscal years unless the corporation, with the concurrence of the Minister and upon such terms and conditions as are specified by the Minister, revokes its election to have that clause apply. *New.*

Prospectors
and
grub-
stakers

37.—(1) Where a share of the capital stock of a corporation,

(a) is received in a fiscal year,

(i) by a person who has, either under an arrangement with a prospector made before the prospecting, exploration or development work or as an employer of a prospector, advanced money for, or paid part or all of, the expenses of prospecting or exploring for minerals or of developing a property for minerals, and

(ii) as consideration for the disposition by the person referred to in subclause i to the corporation of a mining property or interest therein acquired under the arrangement under which the corporation made the advance or paid the expenses, or if the prospector was its employee, acquired by it through the employee's efforts,

the following rules apply,

(b) notwithstanding any other provision of this Act, no amount in respect of the receipt of the share shall be included in computing the income for the fiscal year of the person;

- (c) notwithstanding Subdivision B, in computing the cost to the person of the share, no amount shall be included in respect of the mining property or interest therein, as the case may be; and
 - (d) notwithstanding section 63, in computing the cost to the corporation of the mining property or the interest therein, as the case may be, no amount shall be included in respect of the share. R.S.O. 1970, c. 91, s. 57 (2).
- (2) In this section,
- (a) "mining property" means a right to prospect, explore or mine for minerals or a property the principal value of which depends upon its mineral content; and
 - (b) "prospector" means an individual who prospects or explores for minerals or develops a property for minerals on behalf of himself, on behalf of himself and others or as an employee. R.S.O. 1970, c. 91, s. 57 (1).

Inter-
pretation

38. Where any amount in respect of an expenditure incurred by a corporation on or in respect of the repair, replacement, alteration or renovation of depreciable property of the corporation of a class prescribed by the regulations made for the purposes of this section is, under a uniform classification and system of accounts and returns prescribed by the Canadian Transport Commission pursuant to the *Railway Act* (Canada), required to be entered in the books of the corporation otherwise than as an expense,

Railway
companiesR.S.O. 1970,
c. R-2

- (a) no deduction may be made in respect of that expenditure in computing the income of the corporation for the fiscal year; and
- (b) for the purposes of section 17 and regulations made under clause *a* of subsection 1 of section 24, the corporation shall be deemed to have acquired, at the time the expenditure was incurred, depreciable property of that class at a capital cost equal to that amount. R.S.O. 1970, c. 91, s. 60 (3).

39.—(1) There may be deducted in computing the income for a fiscal year of a corporation that had a permanent establishment in Canada and made expenditures in respect of scientific research in the fiscal year the amount by which the aggregate of,

Scientific
research

- (a) all expenditures of a current nature made in Canada in the fiscal year,
 - (i) on scientific research related to the business and directly undertaken by or on behalf of the corporation,
 - (ii) by payments to an approved association that undertakes scientific research related to the class of business of the corporation,
 - (iii) by payments to an approved university, college, research institute or other similar institution to be used for scientific research related to the class of business of the corporation,
 - (iv) by payments to a corporation resident in Canada and exempt from tax under clause *g* of subsection 1 of section 122, or
 - (v) by payments to a corporation resident in Canada for scientific research related to the business of the corporation;
- (b) such amount as may be claimed by the corporation not exceeding the lesser of,
 - (i) the expenditures of a capital nature made in Canada, by acquiring property other than land, in the fiscal year and any previous fiscal year ending after 1958 on scientific research relating to the business and directly undertaken by or on behalf of the corporation, and
 - (ii) the undepreciated capital cost to the corporation of the property so acquired as at the end of the fiscal year, before making any deduction under this clause in computing the income of the corporation for the fiscal year; and
- (c) all expenditures in the fiscal year by way of repayment of amounts paid to the corporation under an *Appropriation Act* (Canada) and on terms and conditions approved by the Minister for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry,

exceeds the aggregate of amounts paid to the corporation in the fiscal year under an *Appropriation Act* (Canada) and on

terms and conditions described in clause *c*. R.S.O. 1970, c. 91, s. 46 (1).

(2) There may be deducted in computing the income for a fiscal year of a corporation that carried on business in Canada and made expenditures in the fiscal year in respect of scientific research carried on outside Canada, all such expenditures of a current nature made in the fiscal year, ^{Research outside Canada}

(a) on scientific research related to the business and directly undertaken by or on behalf of the corporation; or

(b) by payments to an approved association, university, college, research institute or other similar institution to be used for scientific research related to the class of business of the corporation. R.S.O. 1970, c. 91, s. 46 (2).

(3) Where any particular activity constitutes scientific research for the purposes of section 37 of the *Income Tax Act* (Canada), such particular activity shall constitute scientific research for the purposes of this Act. R.S.O. 1970, c. 91, s. 46 (3). ^{Idem 1970-71, c. 63 (Can.)}

(4) No deduction may be made under this section in respect of an expenditure made to acquire rights in, or arising out of, scientific research. R.S.O. 1970, c. 91, s. 46 (4). ^{Deductions}

(5) Where in respect of an expenditure on scientific research made by a corporation in a fiscal year an amount is deductible under this section and under section 98 no deduction may be made in respect of the expenditure under section 98 in computing the taxable income of the corporation for any fiscal year. R.S.O. 1970, c. 91, s. 46 (5). ^{Idem}

(6) An amount claimed under clause *b* of subsection 1 in computing a deduction under that subsection shall, for the purpose of section 17, be deemed to be an amount allowed to the corporation in respect of the property acquired by the expenditures under regulations made under clause *a* of subsection 1 of section 24, and for that purpose the property acquired by the expenditures shall be deemed to be of a separate prescribed class. R.S.O. 1970, c. 91, s. 46 (7). ^{Expenditures of a capital nature}

(7) In this section,

^{Interpretation}

(a) "approved" means approved by the Minister;

(b) "scientific research" has the meaning given to that expression by regulation;

- (c) references to expenditures on or in respect of scientific research,
 - (i) where the references occur in subsection 2, include only expenditures incurred for and wholly attributable to the prosecution of scientific research, and
 - (ii) where the references occur other than in subsection 2, include only expenditures incurred for and wholly attributable to the prosecution or the provision of facilities for the prosecution, of scientific research in Canada; and
- (d) references to scientific research relating to a business or class of business include any scientific research that may lead to or facilitate an extension of that business or, as the case may be, business of that class. R.S.O. 1970, c. 91, s. 46 (6).

SUBDIVISION B—TAXABLE CAPITAL GAINS AND ALLOWABLE CAPITAL LOSSES

Meaning of
taxable
capital gain
and allowable
capital
loss

40. For the purposes of this Act,

- (a) a corporation's taxable capital gain for a fiscal year from the disposition of any property is one-half of its capital gain for the fiscal year from the disposition of that property; and
- (b) a corporation's allowable capital loss for a fiscal year from the disposition of any property is one-half of its capital loss for the fiscal year from the disposition of that property. *New.*

Meaning of
capital
gain and
capital
loss

41.—(1) For the purposes of this Act,

- (a) a corporation's capital gain for a fiscal year from the disposition of any property is the corporation's gain for the year determined under this Subdivision (to the extent of the amount thereof that would not, if section 12 were read without reference to the expression "other than a taxable capital gain from the disposition of a property" in clause *a* thereof and without reference to clause *b* thereof, be included in computing the corporation's income for the fiscal year or any other fiscal year) from the disposition of any property of the corporation other than,

- (i) eligible capital property,

- (ii) property, any amount receivable by the corporation for the disposition of which is required to be included in computing the corporation's income for the fiscal year by virtue of section 59, or
 - (iii) a life insurance policy within the meaning of section 138 of the *Income Tax Act* (Canada), ^{1970-71, c. 63 (Can.)} except an annuity contract; and
- (b) a corporation's capital loss for a fiscal year from the disposition of any property is the corporation's loss for the year determined under this Subdivision (to the extent of the amount thereof that would not, if section 12 were read in the manner described in clause *a* of this subsection, be deductible in computing the corporation's income for the fiscal year or any other fiscal year) from the disposition of any property of the corporation other than,
- (i) depreciable property, or
 - (ii) property described in subclause i, ii or iii of clause *a*.

(2) Notwithstanding subsection 1, where, by virtue of any fluctuation after 1971 in the value of currency or currencies of one or more countries other than Canada relative to Canadian currency, a corporation has made a gain or sustained a loss in a fiscal year, the following rules apply,

- (a) the amount, if any, by which,
 - (i) the aggregate of all such gains made by the corporation in the fiscal year (to the extent of the amount thereof that would not if section 12 were read in the manner described in clause *a* of subsection 1 of this section, be included in computing the corporation's income for the fiscal year or any other fiscal year),

exceeds

- (ii) the aggregate of all such losses sustained by the corporation in the fiscal year, to the extent of the amounts thereof that would not, if section 12 were read in the manner described in clause *a* of subsection 1 of this section be deductible in computing the corporation's income for the fiscal year or any other fiscal year,

shall be deemed to be a capital gain of the corporation for the fiscal year from the disposition of currency of a country other than Canada, the amount of which capital gain is the amount determined under this clause; and

(b) the amount, if any, by which,

(i) the aggregate determined under subclause ii of clause *a*,

exceeds

(ii) the aggregate determined under subclause i of clause *a*,

shall be deemed to be a capital loss of the corporation for the year from the disposition of currency of a country other than Canada, the amount of which capital loss is the amount determined under this clause.

Gain on
purchase
of bonds
by issuer

(3) Where a corporation has issued any bond, debenture or similar obligation and has at any subsequent time in a fiscal year and after 1971 purchased the obligation in the open market, in the manner in which any such obligation would normally be purchased in the open market by any member of the public,

(a) the amount, if any, by which the amount for which the obligation was issued by the corporation exceeds the purchase price paid or agreed to be paid by the corporation for the obligation shall be deemed to be a capital gain of the corporation for the fiscal year from the disposition of a capital property; and

(b) the amount, if any, by which the purchase price paid or agreed to be paid by the corporation for the obligation exceeds the greater of the principal amount thereof and the amount for which it was issued by the corporation shall be deemed to be a capital loss of the corporation for the fiscal year from the disposition of a capital property,

to the extent of the amount of the capital gain or capital loss, as the case may be, that would not, if section 12 were read in the manner described in clause *a* of subsection 1 of this section, be included or be deductible, as the case may be, in computing the corporation's income for the fiscal year or any other fiscal year. *New.*

42.—(1) Except as otherwise expressly provided in this Part, General rules

- (a) a corporation's gain for a fiscal year from the disposition of any property is the amount, if any, by which,
 - (i) if the property was disposed of in the fiscal year, the amount, if any, by which the corporation's proceeds of disposition exceed the aggregate of the adjusted cost base to it of the property immediately before the disposition and any outlays and expenses to the extent that they were made or incurred by the corporation for the purpose of making the disposition, or
 - (ii) if the property was disposed of before the fiscal year, the amount, if any, claimed by the corporation under subclause iii in computing the corporation's gain for the immediately preceding fiscal year from the disposition of the property,

exceeds

- (iii) such amount as the corporation may claim, not exceeding a reasonable amount as a reserve in respect of such of the proceeds of disposition of the property that are not due to the corporation until after the end of the fiscal year as may reasonably be regarded as a portion of the amount determined under subclause i in respect of the property; and
- (b) a corporation's loss for a fiscal year from the disposition of any property is,
 - (i) if the property was disposed of in the fiscal year, the amount, if any, by which the aggregate of the adjusted cost base to the corporation of the property immediately before the disposition and any outlays and expenses to the extent that they were made or incurred by the corporation for the purpose of making the disposition, exceeds its proceeds of disposition of the property, and
 - (ii) in any other case, nil.

(2) Notwithstanding subsection 1,

Limitations

- (a) subclause iii of clause *a* of subsection 1 does not apply to permit a corporation to claim any amount thereunder in computing a gain for a fiscal year if the corporation was, at any time in the fiscal year or the immediately following fiscal year, not resident in Canada;
- (b) a corporation's loss for a fiscal year from the disposition of a bond or debenture is its loss therefrom for the fiscal year otherwise determined, less the aggregate of such amounts received by it as, on account or in lieu of payment of, or in satisfaction of interest thereon as were, by virtue of clause *e* of subsection 1 of section 75, not included in computing its income;
- (c) a corporation's loss otherwise determined from the disposition of any property disposed of by it to,
 - (i) a person by whom it was controlled, or
 - (ii) a corporation that was controlled by a person described in subclause i,is nil;
- (d) a corporation's gain or loss from the disposition of,
 - (i) a chance to win a prize, or
 - (ii) a right to receive an amount as a prize,in connection with a lottery scheme is nil; and
- (e) a corporation's loss, if any, from the disposition of a property, to the extent that it is,
 - (i) a superficial loss,
 - (ii) a loss from the disposition of a debt or other right to receive an amount, unless the debt or right, as the case may be, was acquired by the corporation for the purpose of gaining or producing income from a business or property, other than exempt income, or as consideration for the disposition of capital property to a person with whom the corporation was dealing at arm's length, or

- (iii) a loss from the disposition of any personal-use property of the corporation other than listed personal property,

is nil.

(3) Where,

- (a) the aggregate of all amounts required by subsection 2 of section 55, except clause *b* thereof, to be deducted in computing the adjusted cost base to a corporation of any property at any time in a fiscal year,

Deemed gain where amounts to be deducted from adjusted cost base exceed cost plus amounts to be added to adjusted cost base

exceeds

- (b) the aggregate of the cost to it of the property and all amounts required by subsection 1 of section 55 to be included in computing the adjusted cost base to a corporation of that property at that time,

the amount of the excess shall be deemed to be a gain of the corporation for the fiscal year from a disposition at that time of that property. *New.*

43.—(1) For the purposes of this Part, a corporation's taxable net gain for a fiscal year from dispositions of listed personal property is one-half of the amount determined under subsection 2 to be its net gain for the fiscal year from dispositions of such property.

Meaning of taxable net gain from dispositions of listed personal property

(2) A corporation's net gain for a fiscal year from dispositions of listed personal property is an amount determined as follows,

Determination of net gain

- (a) determine the amount, if any, by which the aggregate of its gains for the fiscal year from dispositions of listed personal property exceeds the aggregate of its losses for the fiscal year from dispositions of listed personal property; and
- (b) deduct from the amount determined under clause *a* its listed-personal-property losses for the five fiscal years immediately preceding and the fiscal year immediately following the fiscal year, except that for the purposes of this clause,
 - (i) an amount in respect of a listed-personal-property loss is only deductible to the extent that it exceeds the aggregate of amounts previously deductible in respect of that loss under this clause,

- (ii) no amount is deductible in respect of the listed-personal-property loss of any fiscal year until the deductible listed-personal-property losses for previous fiscal years have been deducted, and
- (iii) no amount is deductible in respect of listed-personal-property losses from the amount determined under clause *a* for a fiscal year except to the extent of the amount so determined for the fiscal year,

and the remainder determined under clause *b* is the corporation's net gain for the fiscal year from dispositions of listed personal property.

"Listed-personal-property-loss" defined

(3) In this section, "listed-personal-property loss" of a corporation for a fiscal year means the amount, if any, by which the aggregate of its losses for the fiscal year from dispositions of listed personal property exceeds the aggregate of its gains for the fiscal year from dispositions of listed personal property. *New.*

Dispositions subject to warranty

44. In computing a corporation's proceeds of disposition of any property for the purposes of this Subdivision, there shall be included any amount received or receivable by the corporation as consideration for any warranty, covenant or other conditional or contingent obligation incurred by the corporation in respect of the disposition, and in computing the corporation's income for the fiscal year in which the property was disposed of or for any of the six immediately following fiscal years, any outlay or expense made or incurred by the corporation in any such fiscal year pursuant to or by virtue of the obligation shall, if the obligation was a legal obligation incurred by the corporation, be deemed to be a loss of the corporation for that fiscal year from the disposition of a capital property. *New.*

Part dispositions

45. For the purpose of computing a corporation's gain for a fiscal year from the disposition of a part of a property, the adjusted cost base to the corporation, immediately before the disposition, of that part is such portion of the adjusted cost base to the corporation at that time of the whole property as may reasonably be regarded as attributable to that part. *New.*

Deferral of gain on involuntary dispositions

46. Where in a fiscal year a corporation has received proceeds of disposition described in subclause iii or iv of clause *i* of section 56 of any property, in this section referred to as its "former property", and, before the end of the following fiscal year, has expended an amount to acquire other property as a replacement for its former property, notwithstanding subsection 1 of section 42,

- (a) the gain, if any, from the disposition of its former property is the lesser of,
 - (i) the gain therefrom otherwise determined, and
 - (ii) the amount, if any, by which the proceeds of disposition of its former property exceed the cost to the corporation, otherwise determined, of the other property; and
- (b) the cost to the corporation of the other property shall be deemed to be the cost to the corporation of the other property otherwise determined, minus the amount, if any, by which the gain described in subclause i of clause *a* exceeds the excess, if any, determined under subclause ii of clause *a*. *New*.

47.—(1) For the purposes of this Subdivision the following rules apply, Property with more than one use

- (a) where a corporation,
 - (i) having acquired property for some other purpose, has commenced at a later time to use it for the purpose of gaining or producing income therefrom, or for the purpose of gaining or producing income from a business, or
 - (ii) having acquired property for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, has commenced at a later time to use it for some other purpose,

the corporation shall be deemed to have,

- (iii) disposed of it at that later time for proceeds equal to its fair market value at that later time, and
 - (iv) immediately thereafter reacquired it at a cost equal to that fair market value;
- (b) where property has, since it was acquired by a corporation, been regularly used in part for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business and in part for some other purpose, the corporation shall be deemed to have acquired, for that other purpose, the proportion of the property that the use

regularly made of the property for that other purpose is of the whole use regularly made of the property at a cost to the corporation equal to the same proportion of the cost to it of the whole property; and, if the property has, in such a case, been disposed of, the proceeds of disposition of the proportion of the property deemed to have been acquired for that other purpose shall be deemed to be the same proportion of the proceeds of disposition of the whole property; and

- (c) where, at any time after a corporation has acquired property, there has been a change in the relation between the use regularly made by the corporation of the property for gaining or producing income therefrom or income from a business and the use regularly made of the property for other purposes,
 - (i) if the use regularly made by it of the property for those other purposes has increased, it shall be deemed to have,
 - (A) disposed of property at that time for proceeds equal to the proportion of the fair market value of the property at that time that the amount of the increase in the use regularly made by the corporation of the property for those other purposes is of the whole use regularly made of the property, and
 - (B) immediately thereafter reacquired the property so disposed of at a cost equal to the proceeds referred to in sub-subclause A, and
 - (ii) if the use regularly made by the corporation of the property for those other purposes has decreased, it shall be deemed to have disposed of property at that time and the proceeds of disposition shall be deemed to be an amount equal to the proportion of the fair market value of the property at that time that the amount of the decrease in use regularly made by it of the property for those other purposes is of the whole use regularly made of the property.

section 17 would otherwise be applicable in respect of any property of a corporation for a fiscal year and the corporation so elects as provided under subsection 2 of section 45 of the *Income Tax Act* (Canada), the corporation shall be deemed not to have commenced to use the property for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business except that if the corporation rescinds such election in a subsequent fiscal year in respect of the property, it shall be deemed to have commenced so to use the property on the first day of that subsequent fiscal year. *New.*

48.—(1) Where a corporation has disposed of any personal-use property of the corporation, for the purposes of this Subdivision,

- (a) the adjusted cost base to the corporation of the property immediately before the disposition shall be deemed to be the greater of \$1,000 and the amount otherwise determined to be its adjusted cost base to it at that time; and
- (b) its proceeds of disposition of the property shall be deemed to be the greater of \$1,000 and its proceeds of disposition of the property otherwise determined.

(2) Where a corporation has disposed of part of a personal-use property owned by it and has retained another part of the property, for the purposes of this Subdivision,

- (a) the adjusted cost base to the corporation immediately before the disposition, of the part so disposed of shall be deemed to be the greater of,
 - (i) the adjusted cost base to it at that time of that part otherwise determined, and
 - (ii) that proportion of \$1,000 that the amount determined under subclause i is of the adjusted cost base to it at that time of the whole property; and
- (b) the proceeds of disposition of the part so disposed of shall be deemed to be the greater of,
 - (i) the proceeds of disposition thereof otherwise determined, and
 - (ii) the amount determined under subclause ii of clause a.

Properties
ordinarily
disposed
of as a set

(3) For the purposes of this Subdivision, where a number of personal-use properties of a corporation that would, if the properties were disposed of, ordinarily be disposed of in one disposition as a set,

- (a) have been disposed of by more than one disposition so that all of the properties have been acquired by one person or by a group of persons not dealing with each other at arm's length; and
- (b) had, immediately before the first disposition referred to in clause *a*, an aggregate fair market value greater than \$1,000,

the properties shall be deemed to be a single personal-use property and each such disposition shall be deemed to be a disposition of a part of that property.

Decrease in
value of
personal-
use property
of corpora-
tion, etc.

(4) Where it may reasonably be regarded that, by reason of a decrease in the fair market value of any personal-use property of a corporation, partnership or trust,

- (a) a corporation's gain, if any, from the disposition of a share of the capital stock of a corporation, an interest in a trust or an interest in a partnership has become a loss, or is less than it would have been if the decrease had not occurred; or
- (b) a corporation's loss, if any, from the disposition of a share or interest described in clause *a* is greater than it would have been if the decrease had not occurred;

the amount of the gain or loss, as the case may be, shall be deemed to be the amount that it would have been but for the decrease. *New.*

Identical
properties

49.—(1) Where at any particular time after 1971 a corporation that owns one property or two or more identical properties that was or each of which was, as the case may be, acquired by it after 1971, acquires one or more other properties, in this subsection referred to as "newly-acquired properties", each of which is identical to each such previously-acquired property, for the purposes of computing, at any subsequent time, the adjusted cost base to the corporation of each such identical property,

- (a) the corporation shall be deemed to have disposed of each such previously-acquired property immediately before the particular time for proceeds equal to its adjusted cost base to it immediately before the particular time; and

(b) the corporation shall be deemed to have acquired each such identical property at the particular time at a cost equal to the quotient obtained when,

- (i) the aggregate of the adjusted cost bases to the corporation immediately before the particular time of the previously-acquired properties, and the cost to it, determined without reference to this section, of the newly-acquired properties,

is divided by

- (ii) the number of such identical properties owned by the corporation immediately after the particular time.

(2) For the purposes of subsection 1, where a group of identical properties referred to in that subsection is a group of identical obligations within the meaning of subsection 3, subclause ii of clause *b* of subsection 1 shall be read as follows:

- “(ii) the quotient obtained when the aggregate of the principal amounts of all such identical properties owned by the corporation immediately after the particular time is divided by the principal amount of the identical property.”

(3) For the purposes of this Subdivision, one bond, debenture, bill, note or other similar obligation issued by a debtor is identical to another such obligation issued by that debtor if both are identical in respect of all rights, in equity or otherwise, either immediately or in the future and either absolutely or contingently, attaching thereto, except as regards the principal amount thereof. *New.*

50.—(1) For the purposes of this Subdivision, where at any time in a fiscal year a corporation ceases to be resident in Canada, it shall be deemed to have disposed of each property, other than any property that would be taxable Canadian property if at no time in the fiscal year it had been resident in Canada, owned by the corporation at that time, for proceeds of disposition equal to the fair market value of the property at that time, and to have reacquired the property immediately thereafter at a cost equal to that fair market value.

(2) For the purposes of this Subdivision, where at any time after 1971 a corporation becomes a resident of Canada, it shall be deemed to have acquired at that time each property owned by it at that time, other than property that would be taxable Canadian property if at no time in the fiscal year it had been

resident in Canada, if the corporation had disposed of it immediately before that time, at a cost equal to its fair market value at the time it became a resident of Canada.
New.

Granting
of option

51.—(1) Subject to subsections 2 and 3, for the purpose of this Subdivision the granting of an option, other than an option granted by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it, is a disposition of a property the adjusted cost base of which to the grantor immediately before the grant is nil.

Where
option
expires

(2) Where at any time an option described in subsection 1, other than an option the consideration for the granting of which is an amount described in subclause v of clause b of subsection 12 of section 63 paid pursuant to an agreement described in that subclause, that has been granted by a corporation after 1971 expires,

- (a) the corporation shall be deemed to have disposed of capital property at that time for proceeds equal to the proceeds received by it for the granting of the option; and
- (b) the adjusted cost base to the corporation of that capital property immediately before that time shall be deemed to be nil.

Where
option
exercised

(3) Where an option is exercised so that property is disposed of by a person, hereinafter referred to as the “vendor”, or so that property is acquired by another person, hereinafter referred to as the “purchaser”, for the purpose of computing the income of each such person the granting of the option and the exercise thereof shall be deemed not to be dispositions of property and,

- (a) if the option is an option to acquire property, there shall be included,
 - (i) in computing the vendor’s proceeds of disposition of the property, the consideration received by him for the option, and
 - (ii) in computing the cost to the purchaser of the property, the adjusted cost base to him of the option; and

- (b) if the option is an option to dispose of property, there shall be deducted,

- (i) in computing the vendor's proceeds of disposition of the property, the adjusted cost base to him of the option, and
- (ii) in computing the cost to the purchaser of the property, the consideration received by him for the option.

(4) Where,

Reassess-
ment where
option
exercised
in sub-
sequent year

- (a) an option granted by a corporation in a fiscal year, in this subsection referred to as the "initial fiscal year", is exercised in a subsequent fiscal year, in this subsection referred to as the "subsequent fiscal year";
- (b) the corporation has filed a return for the initial fiscal year as required by section 145; and
- (c) on or before the day on or before which it was required by section 145 to file a return for the subsequent fiscal year, has filed an amended return for the initial fiscal year excluding from its income the proceeds received by it for the granting of the option,

such reassessment of the corporation's tax, interest or penalties for the fiscal year shall be made as is necessary to give effect to the exclusion. *New.*

52.—(1) For the purposes of this Subdivision, where a debt owing to a corporation at the end of a fiscal year, other than a debt owing to it in respect of the disposition of a personal-use property, is established by it to have become a bad debt in the fiscal year, it shall be deemed to have disposed of it at the end of the fiscal year and to have reacquired it immediately thereafter at a cost equal to nil.

Debts
established
to be bad
debts

(2) Where a debt owing to a corporation at the end of a fiscal year that is a personal-use property of the corporation is established by it to have become a bad debt in the fiscal year,

Where debt
personal-
use property

- (a) it shall be deemed to have disposed of it at the end of the fiscal year for proceeds equal to the amount, if any, by which,
 - (i) its adjusted cost base to it immediately before the end of the fiscal year,

exceeds

(ii) the amount of its gain, if any, from the disposition of the personal-use property the proceeds of disposition of which included the debt; and

(b) it shall be deemed to have reacquired the debt immediately after the end of the fiscal year at a cost equal to the amount of the proceeds determined under clause *a*. *New.*

Convertible
properties

53. Where shares of the capital stock of a corporation have, after 1971, been acquired by a person in exchange for a preferred share, bond, debenture or note of the corporation, in this section referred to as a “convertible property”, the terms of which conferred upon the holder the right to make the exchange,

(a) the exchange shall be deemed not to have been a disposition of property; and

(b) the cost to the person of the shares shall be deemed to be the adjusted cost base to him of the convertible property immediately before the exchange. *New.*

Cost of
certain
property
received
as dividend
included in
income

54.—(1) For the purposes of this Subdivision, where a corporation has acquired property after 1971 and an amount in respect of the value thereof has been included in computing the corporation’s income, the amount so included shall be added in computing the cost to it of that property.

Cost of
property
received
as dividend
in kind

(2) Where any property has, after 1971, been received by a shareholder of a corporation at any time as, on account or in lieu of payment of, or in satisfaction of, a dividend payable in kind, other than a stock dividend, in respect of a share owned by him of the capital stock of the corporation, he shall be deemed to have acquired the property at a cost to him equal to its fair market value at that time, and the corporation shall be deemed to have disposed of the property at that time for proceeds equal to that fair market value.

Cost of
stock
dividend

(3) Where a corporation that is a shareholder of another corporation has, after 1971, received a stock dividend in respect of a share owned by it of the capital stock of the other corporation, it shall be deemed to have acquired the share or shares received by it as a stock dividend at a cost to it equal to the amount of the stock dividend.

Cost of
property
acquired
as prize

(4) Where any property has been acquired by a corporation at any time after 1971 as a prize in connection with a lottery scheme, it shall be deemed to have acquired the property at a cost to it equal to its fair market value at that time.

(5) Where any property has, after 1971, been transferred to a beneficiary by a trustee under an employees profit sharing plan,

Cost of
property
transferred
by trustee
under
employees
profit
sharing plan

(a) subsection 1 does not apply in respect of the property; and

(b) the beneficiary shall be deemed to have acquired the property at a cost to him equal to its fair market value at the time of the transfer. *New.*

55.—(1) In computing the adjusted cost base to a corporation of property at any time, there shall be added to the cost to the corporation of the property such of the following amounts in respect of the property as are applicable,

Adjustments
to cost base

(a) any amount deemed by subsection 3 of section 42 to be a gain of the corporation for a fiscal year from a disposition before that time of the property;

(b) where the property is a share of the capital stock of another corporation resident in Canada, the amount of any dividend on the share deemed by subsection 1 of section 78 to have been received by the corporation before that time;

(c) where the property is a share of the capital stock of another corporation resident in Canada, and the corporation has, after 1971, made a contribution of capital to that other corporation otherwise than by way of loan, that proportion of such part of the amount of the contribution as cannot reasonably be regarded as a gift made to or for the benefit of any other shareholder of the other corporation who was related to the corporation that,

(i) the amount that may reasonably be regarded as the increase in the fair market value, as a result of the contribution, of the share,

is of

(ii) the amount that may reasonably be regarded as the increase in the fair market value, as a result of the contribution, of all shares of the capital stock of the other corporation owned by the corporation immediately after the contribution;

(d) where the property is an interest in a partnership,

- (i) an amount in respect of each fiscal year of the partnership ending after 1971 and before that time, equal to the aggregate of all amounts each of which is the corporation's share of the income of the partnership from any source for that fiscal year, computed as if this Act were read without reference to,
 - (A) the references in section 18, clause *a* of section 40 and subsection 1 of section 43 to "one-half", and
 - (B) clause *h* of this subsection, section 57 and subsection 2 of section 75,
- (ii) the corporation's share of any capital dividends received by the partnership before that time on shares of the capital stock of a corporation that were partnership property,
- (iii) the corporation's share of the amount, if any, by which,
 - (A) any proceeds of a life insurance policy received by the partnership after 1971 and before that time in consequence of the death of any person whose life was insured under the policy,exceeds
 - (B) all amounts paid as or on account of premiums under the policy, and
- (iv) where the corporation has, after 1971, made a contribution of capital to the partnership otherwise than by way of loan, such part of the amount of the contribution as cannot reasonably be regarded as a gift made to or for the benefit of any other member of the partnership who was related to the corporation;
- (e) where the property is substituted property of the corporation within the meaning of clause *j* of section 56, the amount of the loss that was, by virtue of the acquisition by the corporation of the property, a superficial loss of any person;
- (f) where the property is a bond, debenture, bill, note, mortgage, hypothec or similar obligation, the amount, if any, by which the principal amount of the obligation

exceeds the amount for which the obligation was issued, if such excess was required by subsection 2 or 3 of section 20 to be included in computing the income of the corporation for a fiscal year commencing before that time;

- (g) where the property is land of the corporation, any amount paid by it after 1971 and before that time pursuant to a legal obligation to pay,
 - (i) interest on borrowed money used to acquire the land, or on an amount payable by it for the land, or
 - (ii) property taxes, not including income or profits taxes or taxes imposed by reference to the transfer of property, paid by it in respect of the property to a province or to a Canadian municipality,

to the extent that that amount was, by virtue of subsection 2 of section 22, not deductible in computing the corporation's income from the land or from a business for any fiscal year commencing before that time;

- (h) where the property is land used in a farming business carried on by the corporation, an amount in respect of each fiscal year ending after 1971 and commencing before that time, equal to the corporation's loss, if any, for that fiscal year from the farming business, to the extent that such loss,
 - (i) was not, by virtue of section 33, deductible in computing the corporation's income for that year,
 - (ii) was not deductible in computing the corporation's taxable income for the fiscal year in which the corporation disposed of the property or any previous fiscal year,
 - (iii) did not exceed the aggregate of,
 - (A) taxes, other than income or profits taxes or taxes imposed by reference to the transfer of the property, paid by the corporation in that fiscal year or payable by the corporation in respect of that fiscal year to a province or a

Canadian municipality in respect of the property, and

- (B) interest, paid by the corporation in that fiscal year or payable by the corporation in respect of that fiscal year, pursuant to a legal obligation to pay interest on borrowed money used to acquire the property or on any amount as consideration payable for the property,

to the extent that such taxes and interest were included in computing the loss, and

- (iv) did not exceed the remainder obtained when,

- (A) the aggregate of each of the corporation's losses from the farming business for fiscal years preceding that fiscal year, to the extent that they are required by this clause to be added in computing the corporation's adjusted cost base of the property,

is deducted from

- (B) the amount, if any, by which the corporation's proceeds of disposition of the property exceed the adjusted cost base to the corporation of the property immediately before that time, determined without reference to this clause;

- (i) where the property is a foreign resource property, such part of the foreign exploration and development expenses incurred by the corporation after 1971 with respect to such property that is not allowed as a deduction from income for the purposes of this Act.

Amounts
to be
deducted

(2) In computing the adjusted cost base to a corporation of property at any time there shall be deducted such of the following amounts in respect of the property as are applicable,

- (a) where the property is a share of the capital stock of another corporation resident in Canada,

- (i) any amount received by the corporation after 1971 and before that time as, on account or in lieu of payment of, or in satisfaction of, a

dividend on the share, other than a taxable dividend or capital dividend,

- (ii) an amount in respect of any taxable dividend on the share received by the corporation after 1971 and before that time, on any portion of which tax under Part VII of the *Income Tax Act* (Canada) was payable by the corporation equal to the amount by which that portion exceeds the tax under Part VII of the *Income Tax Act* (Canada) payable thereon,^{1970-71, c. 63 (Can.)}

- (iii) an amount in respect of any taxable dividend on the share received by the corporation after 1971 and before that time while it was not resident in Canada in respect of which tax under Part VIII of the *Income Tax Act* (Canada) was payable by the payor corporation, equal to the amount, if any, by which,

- (A) that proportion of the dividend that such part of all dividends that were paid by the payor corporation at the time the dividend was paid as was paid out of designated surplus, within the meaning of Part VII of the *Income Tax Act* (Canada), is of all dividends that were paid by the payor corporation at the time the dividend was paid,

exceeds

- (B) such part of any tax under Part XIII of the *Income Tax Act* (Canada) that was payable by the corporation on the dividend as may reasonably be considered to have been payable on the proportion of the dividend described in sub-subclause A, and

- (iv) any amount received by the corporation after 1971 and before that time on a reduction of the paid-up capital of that other corporation in respect of the share except to the extent that that amount is deemed by subsection 4 of section 78 to be a dividend received by the corporation;

- (b) where the property is an interest in a partnership,

- (i) an amount in respect of each fiscal year of the partnership ending after 1971 and before that time, equal to the aggregate of amounts each of which is the corporation's share of any loss of the partnership from any source for that fiscal year, computed as if this Act were read without reference to,
 - (A) the references in section 18 and clause *b* of section 40 to "one-half", and
 - (B) section 33, subsection 2 of section 42 and section 57,
 - (ii) an amount in respect of each fiscal year of the partnership ending after 1971 and before that time, equal to the corporation's share of the aggregate of,
 - (A) amounts that, but for clause *d* of subsection 1 of section 85 would be deductible in computing the income of the partnership for the fiscal year by virtue of subsection 1 of section 62 or the provisions of the *Corporations Tax Application Rules, 1972* relating to Canadian exploration and development expenses, and
 - (B) the Canadian exploration and development expenses, within the meaning assigned by subsection 12 of section 63, if any, incurred by the partnership in the fiscal year,
 - (iii) any amount deemed by subsection 3 of section 98 to have been a gift made by the corporation by virtue of its membership in the partnership at the end of any fiscal year of the partnership ending before that time,
 - (iv) any amount received by the corporation after 1971 and before that time as, on account or in lieu of payment of, or in satisfaction of, a distribution of the corporation's share of the partnership profits or partnership capital;
- (c) where the property is such that the corporation has, after 1971 and before that time, disposed of a part of it while retaining another part of it, the amount

determined under section 45 to be the adjusted cost base to the corporation of the part so disposed of;

- (d) where the property is a share, or an interest therein or right thereto, of the capital stock of another corporation, the amount paid by the corporation therefor, to the extent that the amount was paid pursuant to an agreement described in subclause v of clause b of subsection 12 of section 63;
- (e) where the property was received by the corporation as consideration for any payment,
 - (i) made by the corporation as a shareholder corporation, within the meaning given to that expression by subsection 12 of section 63, to a joint exploration corporation of the shareholder, and
 - (ii) described in subclause i of clause a of subsection 12 of section 63,

such portion of the payment as may reasonably be considered to be related to an agreed portion within the meaning given to that expression by clause a of subsection 12 of section 63, of the joint exploration corporation's Canadian exploration and development expenses;

- (f) where section 71 is applicable in respect of the corporation, the amount, if any, by which the adjusted cost base to the corporation of the property is required in prescribed manner to be reduced before that time;
- (g) where the property is,
 - (i) a capital interest in a trust that was purchased by the corporation, or
 - (ii) a unit of a unit trust,

any amount paid to the corporation by the trust after 1971 and before that time as, on account or in lieu of payment of, or in satisfaction of a distribution or payment of capital, otherwise than as proceeds of disposition of the interest or unit, as the case may be, or of a part thereof;

- (h) where the property is a capital interest in a trust, other than a unit trust, not resident in Canada that was purchased after 1971 by the corporation from a

non-resident person at a time when the fair market value of such of the properties of the trust as were taxable Canadian properties was not less than 50 per cent of the aggregate of the fair market value of all properties of the trust and the amount of any money of the trust on hand, that proportion of the amount, if any, by which,

- (i) the fair market value at that time of such of the properties of the trust as were taxable Canadian properties,

exceeds

- (ii) the aggregate of the adjusted cost bases to the trust at that time of such of the properties of the trust as were taxable Canadian properties,

that the fair market value at that time of the interest is of the fair market value at that time of all capital interests in the trust;

- (i) where the property is a unit of a unit trust not resident in Canada that was purchased after 1971 by the corporation from a non-resident person at a time when the fair market value of such of the properties of the trust as were taxable Canadian properties was not less than 50 per cent of the aggregate of the fair market value of all properties of the trust and the amount of any money of the trust on hand, that proportion of the amount, if any, by which,

- (i) the fair market value at that time of such of the properties of the trust as were taxable Canadian properties,

exceeds

- (ii) the aggregate of the adjusted cost bases to the trust at that time of such of the properties of the trust as were taxable Canadian properties,

that the fair market value at that time of the unit is of the fair market value at that time of all of the issued units of the trust;

- (j) any grant, subsidy or other assistance from a government, municipality or other public authority received by the corporation for or in respect of the acquisition by it after 1971 of the property;

- (k) where the property is a bond, debenture or similar security, other than an income bond or income debenture, any amount that was deductible by virtue of subsection 12 of section 24 in computing the corporation's income for any fiscal year commencing before that time in respect of interest thereon; and
- (l) such part of the cost to the corporation of the property as was deductible, otherwise than by virtue of this Subdivision, in computing the corporation's income for any fiscal year commencing before that time.

(3) For the purposes of clauses *h* and *i* of subsection 2, ^{Application of cls. *h* and *i* of subs. 2} where any property of a trust would, at a particular time have been a taxable Canadian property of the trust if it had been disposed of by the trust at that time, the property shall be deemed to have been a taxable Canadian property of the trust at that time. *New.*

56. In this Subdivision,

Interpretation

- (a) "adjusted cost base" to a corporation of any property at any time means, except as otherwise provided,
 - (i) where the property is depreciable property of the corporation, the capital cost to it of the property as of that time, and
 - (ii) in any other case, the cost to the corporation of the property adjusted, as of that time, in accordance with section 55,

except that

- (iii) for greater certainty, where any property of the corporation is property that was reacquired by the corporation after having been previously disposed of by it, no adjustment to the cost to the corporation of the property that was required to be made under section 55 before its reacquisition by the corporation shall be made under that section to the cost to the corporation of the property as reacquired property of the corporation, and
 - (iv) in no case shall the adjusted cost base of any property at the time of its disposition by the corporation be less than nil;
- (b) "capital property" of a corporation means,
 - (i) any depreciable property of the corporation, and

- (ii) any property, other than depreciable property, any gain or loss from the disposition of which would, if the property were disposed of, be a capital gain or a capital loss, as the case may be, of the corporation;
- (c) "disposition" of any property except as expressly otherwise provided, includes,
 - (i) any transaction or event entitling a corporation to proceeds of disposition of property,
 - (ii) any transaction or event by which,
 - (A) any property of a corporation that is a share, bond, debenture, note, certificate, mortgage, hypothec, agreement of sale or similar property, or an interest therein, is redeemed in whole or in part or is cancelled,
 - (B) any debt owing to a corporation or any other right of a corporation to receive an amount is settled or cancelled,
 - (C) any share owned by a corporation is converted by virtue of an amalgamation, or
 - (D) any option held by a corporation to acquire or dispose of property expires, and
 - (iii) any transfer of property to a trust, or any transfer of property of a trust to any beneficiary under the trust, except as provided in clause *v*,

but, for greater certainty, does not include,

- (iv) any transfer of property for the purpose only of securing a debt or a loan, or any transfer by a creditor for the purpose only of returning property that had been used as security for a debt or a loan,
- (v) any transfer of property by virtue of which there is a change in the legal ownership of the property without any change in the beneficial ownership thereof,

- (vi) any issue by a corporation of a bond, debenture, note, certificate, mortgage or hypothec of the corporation, or
 - (vii) any issue by a corporation of a share of its capital stock, or any other transaction that, but for this subclause, would be a disposition by a corporation of a share of its capital stock;
- (d) “eligible capital property” of a corporation means any property, one-half of any amount payable to the corporation as consideration for the disposition of which would, if it disposed of the property, be an eligible capital amount in respect of a business within the meaning given that expression in subsection 1 of section 18;
- (e) “foreign exploration and development expenses” incurred by a corporation means,
- (i) any drilling or exploration expense, including any general geological or geophysical expense, incurred by it on or in respect of exploring or drilling for petroleum or natural gas outside Canada,
 - (ii) any prospecting, exploration or development expense incurred by it in searching for minerals outside Canada,
 - (iii) its share of the foreign exploration and development expenses incurred by any association, partnership or syndicate in a fiscal year thereof, if at the end of that fiscal year it was a member or partner thereof;
- (f) “foreign resource property” of a corporation means any property that would be a Canadian resource property of the corporation if clause *c* of subsection 12 of section 63 were read as if the references therein to “in Canada” were read as references to “outside Canada”, and were read without reference to the words “after 1971”;
- (g) “listed personal property” of a corporation means its personal-use property that is all or any portion of, or any interest in or right to, any,
- (i) print, etching, drawing, painting, sculpture, or other similar work of art,

- (ii) jewellery,
 - (iii) rare folio, rare manuscript, or rare book,
 - (iv) stamp, or
 - (v) coin;
- (h) “personal-use property” of a corporation includes,
- (i) property owned by it that is used primarily for the personal use or enjoyment of one or more persons each of whom is,
 - (A) a person related to the corporation, or
 - (B) where the corporation is a beneficiary under a trust or any person related to the beneficiary,
 - (ii) any debt owing to the corporation in respect of the disposition of property that was its personal-use property, and
 - (iii) any property of the corporation that is an option to acquire property that would, if it acquired it, be personal-use property of the corporation,

and “personal-use property” of a partnership includes any partnership property that is used primarily for the personal use or enjoyment of any member of the partnership or for the personal use or enjoyment of one or more persons each of whom is a member of the partnership or a person related to such a member;

- (i) “proceeds of disposition” of property includes,
- (i) the sale price of property that has been sold,
 - (ii) compensation for property unlawfully taken,
 - (iii) compensation for property destroyed, and any amount payable under a policy of insurance in respect of loss or destruction of property,
 - (iv) compensation for property taken under statutory authority or the sale price of property sold to a person by whom notice of an intention to take it under statutory authority was given,

- (v) compensation for property injuriously affected, whether lawfully or unlawfully or under statutory authority or otherwise,
- (vi) compensation for property damaged and any amount payable under a policy of insurance in respect of damage to property, except to the extent that such compensation or amount, as the case may be, has within a reasonable time after the damage been expended on repairing the damage,
- (vii) an amount by which the liability of a corporation to a mortgagee is reduced as a result of the sale of mortgaged property under a provision of the mortgage, plus any amount received by the corporation out of the proceeds of such sale, and
- (viii) any amount included in computing a corporation's proceeds of disposition of the property by virtue of clause *c* of section 70,

but, notwithstanding any other provision of this Part, does not include any amount that would otherwise be proceeds of disposition of a share to the extent that such amount is deemed by subsection 2 or 3 of section 78 to be a dividend; and

- (j) "superficial loss" of a person means his loss from the disposition of a property in any case where,
 - (i) the same or identical property, in this clause referred to as "substituted property", was acquired, during the period beginning 30 days before the disposition and ending 30 days after the disposition, by the person or a corporation controlled, whether directly or indirectly in any manner whatever, by him, and
 - (ii) at the end of the period referred to in subclause i the person or the corporation controlled, whether directly or indirectly in any manner whatever, as the case may be, owned the substituted property,

except that a loss otherwise described in this clause shall be deemed not to be a superficial loss if the disposition giving rise to the loss,

- (iii) was a disposition deemed by section 50 to have been made,
- (iv) was the expiry of an option, or

- (v) was a disposition of property by the person to which subsection 4 of section 79 applies.

Avoidance

57. For the purposes of this subdivision, where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatever is that a corporation has disposed of property under circumstances such that it may reasonably be considered to have artificially or unduly,

- (a) reduced the amount of its gain from the disposition;
- (b) created a loss from the disposition; or
- (c) increased the amount of its loss from the disposition,

the corporation's gain or loss, as the case may be, from the disposition of the property shall be computed as if such reduction, creation or increase, as the case may be, had not occurred. *New.*

SUBDIVISION C—OTHER SOURCES OF INCOME

**Amounts to
be included
in income
for year**

58.—(1) Without restricting the generality of section 12, there shall be included in computing the income of a corporation for a fiscal year,

**Pension
benefits**

- (a) any amount received in the fiscal year as, on account or in lieu of payment of, or in satisfaction of a superannuation or pension benefit;

**Annuity
payments**

- (b) any amount received by the corporation in the fiscal year as an annuity payment except to the extent that the payment is otherwise required to be included in computing the corporation's income for the fiscal year;

**Deferred
profit
sharing plan**

- (c) amounts received by the corporation in the fiscal year under a deferred profit sharing plan as provided by section 120;

**Life insur-
ance policy
proceeds**

- (d) amounts that the corporation became entitled to receive in the fiscal year upon the disposition of an interest in a life insurance policy, to the extent provided by section 121;

**Allocations
under insur-
ance policies**

- (e) amounts allocated to the corporation in the fiscal year by an insurer as provided by section 121;

Legal costs

- (f) amounts received by the corporation in the fiscal year as legal costs awarded to it by a court on an appeal in relation to an assessment of tax, interest or

penalties under this Act or the *Income Tax Act* (Canada), if with respect to that assessment an amount has been deducted or may be deductible under clause *b* of subsection 1 of section 60 in computing its income;

(g) the amount, if any, by which any grant received by the corporation in the fiscal year to enable it to carry on research or any similar work exceeds the aggregate of expenses incurred by it in the fiscal year for the purpose of carrying on the work, other than,

Research grants

(i) expenses in respect of which the corporation has been reimbursed, or

(ii) expenses that are otherwise deductible in computing the corporation's income for the fiscal year. R.S.O. 1970, c. 91, s. 17, *amended*.

(2) A payment or transfer of property made pursuant to the direction of, or with the concurrence of, a corporation to some other person for the benefit of the corporation or as a benefit that the corporation desired to have conferred on the other person shall be included in computing the corporation's income to the extent that it would be if the payment or transfer had been made to the corporation. R.S.O. 1970, c. 91, s. 27 (1).

Indirect payments

(3) For the purpose of this Part, a payment or transfer in a fiscal year of property made to the corporation or some other person for the benefit of the corporation and other persons jointly or a profit made by the corporation and other persons jointly in a fiscal year shall be deemed to have been received by the corporation in the fiscal year to the extent of the corporation's interest therein notwithstanding that there was no distribution or division thereof in that fiscal year. R.S.O. 1970, c. 91, s. 27 (2).

Undistributed payments or profits

(4) Where a person has, at any time before the end of a fiscal year, whether before or after the end of 1971, transferred or assigned to another person with whom he was not dealing at arm's length the right to an amount that would, if the right thereto had not been so transferred or assigned, be included in computing the person's income for the fiscal year because the amount would have been received or receivable by him in or in respect of the fiscal year, the amount shall be included in computing the person's income for the fiscal

Transfer of rights to income

year unless the income is from property and the person has also transferred or assigned the property. R.S.O. 1970, c. 91, s. 33, *amended*.

Amount
receivable
as consid-
eration for
disposition
of resource
property

59.—(1) Where in a fiscal year a corporation disposes of,

(a) a Canadian resource property; or

(b) any right, licence or privilege described in subsection 12 of section 58 of *The Corporations Tax Act*, as it read in its application to fiscal years prior to 1972, that was acquired by the corporation,

R.S.O. 1970,
c. 91

(i) in the case of,

(A) a corporation that is a principal-business corporation within the meaning given to that expression by subsection 12 of section 63 or that was, at the time it acquired the property, such a principal-business corporation, or

(B) an association, partnership or syndicate described in subsection 4 of section 83A of the *Income Tax Act* (Canada) as it read in its application to the 1971 fiscal year,

R.S.C. 1952,
c. 148

before 1972, and

(ii) in any other case, after April 10, 1962 and before 1972,

under an agreement or other contract or arrangement described therein,

the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing the corporation's income for the fiscal year, notwithstanding that the amount of any part thereof may not be received until a subsequent fiscal year. R.S.O. 1970, c. 91, s. 58 (15).

Amount
deducted
under s.
61 in pre-
ceding year

(2) There shall be included in computing a corporation's income for a fiscal year any amount in respect of,

(a) a Canadian resource property; or

- (b) any property referred to in clause *b* of subsection 1 or clause *a* of subsection 3,

that has been deducted under section 61 in computing the corporation's income for the immediately preceding fiscal year.

(3) Where a corporation has made a disposition after 1971 of property owned by it on December 31, 1971, that,

Disposition
of resource
property
acquired
before 1972

- (a) is property described in any of subclauses i to vi of clause *c* of subsection 12 of section 63 and is not property described in clause *b* of subsection 1,

the following rules apply,

- (b) the relevant percentage of the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing the corporation's income for its fiscal year in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year; and
- (c) where the corporation and the person who acquired the property were not dealing with each other at arm's length, for the purposes of this section, sections 61 and 63,
- (i) the cost to that person of the property shall be deemed to be the amount included in the corporation's income by virtue of clause *b* in respect of the disposition by the corporation of the property, and
- (ii) when that person subsequently disposes of the property or any right or interest therein, the amount receivable by that person as consideration for the disposition shall be deemed to be the relevant percentage of the amount actually receivable by that person as consideration therefor.

(4) For the purposes of clauses *b* and *c* of subsection 3, the "relevant percentage" of any amount receivable as consideration for the disposition of property is 60 per cent plus the percentage, not exceeding 40 per cent, obtained when 5 per cent is multiplied by the number of full calendar years in the period commencing at the end of 1972 and ending with the end of the calendar year in which the disposition was made.

Determina-
tion of
"relevant
percentage"

Interpre-
tation

(5) In this section, "Canadian resource property" has the meaning given to that expression by section 63. *New.*

SUBDIVISION D—DEDUCTIONS IN COMPUTING INCOME

Other
deduc-
tions

60.—(1) There may be deducted in computing a corporation's income for a fiscal year such of the following amounts as are applicable,

Capital
element
of annuity
payments

(a) the capital element of each annuity payment, other than a superannuation or pension benefit, a payment under a registered retirement savings plan, or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan, included in computing the corporation's income for the fiscal year, that is to say,

(i) if the annuity was paid under a contract, an amount equal to that part of the payment determined in prescribed manner to have been a return of capital, and

(ii) if the annuity was paid under a will or trust, such part of the payment as can be established by the recipient not to have been paid out of the income of the estate or trust; R.S.O. 1970, c. 91, s. 23 (1) (q).

Expenses
of objec-
tion or
appeal

(b) amounts paid by the corporation in the fiscal year in respect of fees or expenses incurred in preparing, instituting or prosecuting an objection to, or an appeal in relation to, an assessment of tax, interest or penalties under this Act or the *Income Tax Act* (Canada); R.S.O. 1970, c. 91, s. 23 (1) (w).

1970-71,
c. 63 (Can.)

Corpora-
tion tax

(c) all corporation taxes payable in the fiscal year by the corporation. R.S.O. 1970, c. 91, s. 23 (12).

Interpre-
tation

(2) In clause c of subsection 1 and in this subsection,

(a) "corporation tax" means a tax imposed by the Legislature of a province or by a municipality in the province that is declared by the regulations to be a tax on corporations, but does not include,

(i) a corporation income tax, or

(ii) any other tax declared by the regulations not to be a corporation tax;

- (b) "corporation income tax" means a tax imposed by the Parliament of Canada or by the Legislature of a province or by a municipality in the province that is declared by the regulations to be a tax of general application on the profits of corporations. R.S.O. 1970, c. 91, s. 23 (13).

61.—(1) In computing a corporation's income for a fiscal year, in this subsection referred to as the "current year", where,

Reserve in respect of consideration for disposition of resource property not receivable until subsequent year

- (a) by virtue of subsection 1 or 3 of section 59, an amount has been included in computing the corporation's income for the current year or a previous fiscal year; or

- (b) by virtue of subsection 15 or 16 of section 58 of *The Corporations Tax Act*, as it read in its application to fiscal years prior to 1972, an amount has been included in computing the corporation's income for that previous fiscal year,

R.S.O. 1970, c. 91

in respect of the disposition of any property and that amount or a part thereof is not receivable until a day that is after the end of the current year, there may be deducted as a reserve in respect of that amount the part thereof that is not receivable until a day that is after the end of the current year, not exceeding, where the property was disposed of in a fiscal year preceding the current year, any amount deducted under this subsection in respect of the disposition of the property in computing the corporation's income for the fiscal year immediately preceding the current year, and for greater certainty, no deduction may be made in respect of that amount by virtue of clause *p* of subsection 1 of section 24. R.S.O. 1970, c. 91, s. 61 (1).

(2) Subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year if the corporation, at any time in the fiscal year or in the immediately following fiscal year,

Application of subs. 1

- (a) ceases to be a resident of Canada;
- (b) becomes exempt from tax under any provision of this Part; or
- (c) if a non-resident ceases to have a permanent establishment in Canada. R.S.O. 1970, c. 91, s. 61 (8).

Allowance
for oil
or gas
well, mine or
timber limit

62.—(1) There may be deducted in computing a corporation's income for a fiscal year such amount as an allowance in respect of an oil or gas well, mineral resource or timber limit, if any, as is allowed to the corporation by regulation. R.S.O. 1970, c. 91, s. 23 (2) (b).

Regulations

(2) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1 allowing to a corporation an amount in respect of an oil or gas well or a mineral resource,

- (a) there may be allowed to the corporation by such regulation an amount in respect of any or all oil or gas wells or mineral resources in which the corporation has any interest; and
- (b) notwithstanding any other provision contained in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined. R.S.O. 1970, c. 91, s. 23 (4).

Lessee's
share of
allowance

(3) Where a deduction is allowed under subsection 1 in respect of a coal mine operated by a lessee, the lessor and lessee may agree as to what portion of the allowance each may deduct and, in the event that they cannot agree, the Minister may fix the portions. R.S.O. 1970, c. 91, s. 23 (5).

Exploration
and develop-
ment ex-
penses of
principal-
business
corporations

63.—(1) A principal-business corporation may deduct, in computing its income for a fiscal year, the lesser of,

- (a) the aggregate of such of its Canadian exploration and development expenses as were incurred by it before the end of the fiscal year, to the extent that they were not deductible in computing income for a previous fiscal year; and
- (b) of that aggregate, an amount equal to its income for the fiscal year if no deduction were allowed under this section or section 62, minus the deductions allowed for the fiscal year by subsections 2, 5 and 6 and by section 100. R.S.O. 1970, c. 91, s. 58 (5).

Expenses
of special
product
corporations

(2) A corporation, other than a principal-business corporation the principal business of which is described in subclauses i or ii of clause f of subsection 12, whose principal business is production or marketing of sodium chloride or potash or whose business includes manufacturing products the manufacturing of which involves processing sodium chloride or potash, may deduct, in computing its income for a fiscal year,

the drilling and exploration expenses incurred by it in the year on or in respect of exploring or drilling for halite or sylvite. R.S.O. 1970, c. 91, s. 58 (4).

(3) A corporation other than a principal-business corporation may deduct, in computing its income for a fiscal year, the lesser of,

Expenses
of other
corporations

(a) the aggregate of such of its Canadian exploration and development expenses as were incurred by it before the end of the fiscal year to the extent they were not deductible in computing its income for a previous fiscal year; and

(b) of that aggregate, the amount, if any, by which the greater of,

(i) such amount as the corporation may claim, not exceeding 20 per cent of the aggregate determined under clause *a*, and

(ii) the aggregate of,

(A) its income for the fiscal year from operating an oil or gas well in Canada or from operating a mine in Canada, if the corporation had an interest in the oil or gas well, or mine, as the case may be, at any time in the fiscal year,

(B) its income for the fiscal year from royalties in respect of an oil or gas well in Canada or a mine in Canada, and

(C) the aggregate of amounts each of which is an amount, in respect of a Canadian resource property or a property referred to in clause *b* of subsection 1 of section 59 or clause *a* of subsection 3 of section 59 that has been disposed of by it, equal to the amount, if any, by which,

1. the amount included in computing its income for the fiscal year by virtue of section 59 in respect of the disposition of the property,

exceeds

2. the amount deducted under section 61 in respect of the property in computing its income for the fiscal year,

if no deductions were allowed under section 62,

exceeds

- (iii) the amount of any deduction allowed by the *Corporations Tax Application Rules, 1972* in respect of this subclause in computing its income for the fiscal year. R.S.O. 1970, c. 91, s. 58 (10).

Dealers

(4) Sections 59 and 61 and subsection 3 do not apply in computing the income for a fiscal year under this Part of a corporation, other than a principal-business corporation, whose business includes trading or dealing in rights, licences or privileges to explore for, drill for or take minerals, petroleum, natural gas or other related hydrocarbons. R.S.O. 1970, c. 91, s. 58 (19).

Successor corporation's Canadian exploration and development expenses

(5) Where a principal-business corporation, in this subsection referred to as the "successor corporation", has, at any time after 1971, acquired from another principal-business corporation, in this subsection referred to as the "predecessor corporation", all or substantially all of the property of the predecessor corporation used by it in carrying on in Canada its principal business, there may be deducted by the successor corporation, in computing its income under this Part for a fiscal year, the lesser of,

- (a) the aggregate of the Canadian exploration and development expenses incurred by the predecessor corporation to the extent that such expenses,
 - (i) were not deductible by the successor corporation in computing its income for a previous fiscal year, and were not deductible by the predecessor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the successor corporation or its income for a previous fiscal year, and
 - (ii) would have been deductible by the predecessor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the successor corporation, if

the predecessor corporation's income for that fiscal year had been sufficient for the purpose; and

- (b) of that aggregate, an amount equal to such part of its income for the fiscal year if no deduction were allowed under this section, section 62 or the *Corporations Tax Application Rules, 1972* in respect of this clause, minus any deductions allowed for the fiscal year by subsections 2 and 6, section 100 and the provisions of the *Corporations Tax Application Rules, 1972* allowing a deduction for the purposes of this clause, as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property in Canada from which the predecessor corporation had, immediately before the acquisition by the successor corporation of the property so acquired, a right to take or remove petroleum or natural gas or a right to take or remove minerals,

and, in respect of any such expenses included in the aggregate determined under clause *a*, no deduction may be made under this section by the predecessor corporation in computing its income for a fiscal year subsequent to its fiscal year in which the property so acquired was acquired by the successor corporation. R.S.O. 1970, c. 91, s. 58 (23).

(6) Where a principal-business corporation, in this subsection referred to as the "second successor corporation", has at any time after 1971 acquired from a corporation, in this subsection referred to as the "first successor corporation", that was a successor corporation within the meaning of subsection 5, all or substantially all of the property of the first successor corporation used by it in carrying on in Canada its principal business, there may be deducted by the second successor corporation, in computing its income under this Part for a fiscal year, the lesser of,

- (a) the aggregate determined by adding the expenses referred to in clause *a* of subsection 5 for the purpose of determining the deduction allowable to the first successor corporation under subsection 5 in computing its income for a previous fiscal year, to the extent that such expenses,
- (i) were not deductible by the second successor corporation or any other corporation in computing its income for a previous fiscal

year, and were not deductible by the first successor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the second successor corporation, and

- (ii) would, but for the provisions of clause *b* of subsection 5, have been deductible by the first successor corporation in computing its income for the fiscal year in which the property so acquired was acquired by the second successor corporation; and
- (b) of that aggregate, an amount equal to such part of its income for the fiscal year if no deduction were allowed under this section or section 62 or the *Corporations Tax Application Rules, 1972* in respect of this clause, minus any deductions allowed for the fiscal year by subsection 2, section 100 and the provisions of the *Corporations Tax Application Rules, 1972* allowing a deduction for the purposes of this clause, as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property in Canada from which the predecessor of the first successor corporation within the meaning of subsection 5 had, immediately before the acquisition by the first successor corporation of the property so acquired by the second successor corporation, a right to take or remove petroleum or natural gas or a right to take or remove minerals,

and, in respect of any such expenses included in the aggregate determined under clause *a*, no deduction may be made under this section by the first successor corporation in computing its income for a fiscal year subsequent to its fiscal year in which the property so acquired was acquired by the second successor corporation. R.S.O. 1970, c. 91, s. 58 (27).

Joint
exploration
corporation

(7) A joint exploration corporation may in a fiscal year elect in prescribed form to renounce in favour of another corporation that is a principal-business corporation an agreed portion of the aggregate of such of the joint exploration corporation's Canadian exploration and development expenses as were incurred by it during a period, after 1971 and before the end of the fiscal year, throughout which the other corporation was a shareholder corporation, to the extent that the aggregate of such expenses exceeds any amount deductible under subsection 1 in respect thereof by the joint exploration

corporation in computing its income for any fiscal year previous to the fiscal year in which the election was made, and upon the election the said agreed portion,

- (a) shall be deemed, for the purpose of subsection 1, to be Canadian exploration and development expenses incurred by the other corporation in the fiscal year of the corporation in which the election was made; and
- (b) shall be subtracted from the aggregate described in clause a of subsection 1 in determining the amount deductible by the joint exploration corporation under subsection 1 in computing its income. R.S.O. 1970, c. 91, s. 58 (7, 8), *amended*.

(8) Where control of a corporation has, after 1971 and ^{Control change} between a time when the corporation ceased to carry on active business and a time when it commenced to carry on active business again, been acquired by,

- (a) a person; or
- (b) a person and other persons with whom that person does not deal at arm's length,

who did not control the corporation at the time when it so ceased to carry on active business, all of the Canadian exploration and development expenses incurred by the corporation before the time when it commenced to carry on active business again shall be deemed to have been deductible in computing its incomes for fiscal years ending before the time when such control was so acquired. *New*.

(9) In computing a corporation's Canadian exploration ^{Computation of exploration and development expenses} and development expenses,

- (a) there shall be deducted any amount paid to it,
 - (i) after 1971 under the *Northern Mineral Exploration Assistance Regulations* (Canada) made under an *Appropriation Act* (Canada) that provides for payments in respect of the Northern Mineral Grants Program,
 - (ii) pursuant to any agreement entered into between the corporation and Her Majesty in right of Canada under the Northern Mineral Grants Program or the Development Program of the Department of Indian Affairs and

Northern Development, to the extent that the amount has been expended by the corporation as or on account of Canadian exploration and development expenses incurred by it, or

(iii) after 1971 under the *Mineral Exploration Assistance Program* (Ontario); and

(b) there shall be included any amount, except an amount in respect of interest, paid by the corporation after 1971 under the Regulations referred to in subclause i of clause *a* to Her Majesty in right of Canada and under the *Mineral Exploration Assistance Program* (Ontario) to Her Majesty in right of Ontario. R.S.O. 1970, c. 91, s. 58 (28).

Limitation

(10) Where a corporation has incurred expenses the deduction of which from income is authorized under more than one provision of this section, the corporation is not entitled to make the deduction under more than one provision but is entitled to select the provision under which to make the deduction. R.S.O. 1970, c. 91, s. 58 (30).

Amounts deemed deductible under this Subdivision

(11) For the purposes of section 12, any amount deductible under the *Corporations Tax Application Rules, 1972* in respect of this subsection shall be deemed to be deductible under this Subdivision. *New.*

Interpretation

(12) In this section,

(a) “agreed portion” in respect of a corporation that was a shareholder corporation of a joint exploration corporation means such amount as may be agreed upon between the joint exploration corporation and the shareholder corporation not exceeding,

(i) the payments referred to in subclause iii of clause *g* made by the shareholder corporation to the joint exploration corporation during the period it was a shareholder corporation of the joint corporation,

minus,

(ii) the aggregate of the amounts, if any, previously renounced by the joint exploration corporation under subsection 7 in favour of the shareholder corporation; R.S.O. 1970, c. 91, s. 58 (9) (c).

(b) "Canadian exploration and development expenses" incurred by a corporation means,

- (i) any drilling or exploration expense, including any general geological or geophysical expense, incurred by the corporation after 1971 on or in respect of exploring or drilling for petroleum or natural gas in Canada,
- (ii) any prospecting, exploration or development expense incurred by it after 1971 in searching for minerals in Canada,
- (iii) the cost to the corporation of any Canadian resource property acquired by it,
- (iv) the corporation's share of the Canadian exploration and development expenses incurred after 1971 by any association, partnership or syndicate in a fiscal year thereof, if at the end of that fiscal year the corporation was a member or partner thereof, and
- (v) where the corporation is a principal-business corporation, the amount paid by it for any share or any interest therein or right thereto, to the extent that the amount was paid pursuant to an agreement under which it undertook to incur, after 1971, the cost of,

(A) drilling or exploration activities, including any general geological or geophysical activities, in or in respect of exploring or drilling for petroleum or natural gas in Canada,

(B) prospecting, exploration or development activities in searching for minerals in Canada, or

(C) acquiring a Canadian resource property,

but, for greater certainty, does not include,

- (vi) any consideration given by the corporation for any share or any interest therein or right thereto, except as provided by subclause v, or
- (vii) any cost described in subclause v, if the obligation of any other person to incur those

costs was, by virtue of subclause v, a Canadian exploration and development expense of that other person; *New*.

- (c) "Canadian resource property" of a corporation means any property acquired by it after 1971 that is,
- (i) any right, licence or privilege to explore for, drill for, or take petroleum, natural gas or other related hydrocarbons in Canada,
 - (ii) any right, licence or privilege to prospect, explore, drill, or mine for, minerals in a mineral resource in Canada,
 - (iii) any oil or gas well situated in Canada,
 - (iv) any rental or royalty computed by reference to the amount or value of production from an oil or gas well, or a mineral resource, situated in Canada,
 - (v) any real property situated in Canada the principal value of which depends upon its mineral resource content, but not including any depreciable property situated on the surface of the property or used or to be used in connection with the extraction or removal of minerals therefrom, or
 - (vi) any right to or interest in any property described in any of subclauses i to v; *New*.
- (d) "drilling or exploration expense" incurred on or in respect of exploring or drilling for petroleum or natural gas includes,
- (i) any annual payment made for the preservation of a Canadian resource property or any property referred to in clause b of subsection 1 of section 59, and
 - (ii) any expense incurred on or in respect of,
 - (A) drilling or converting a well for the disposal of waste liquids from a petroleum or natural gas well,
 - (B) drilling for water or gas for injection into a petroleum or natural gas formation, or

- (C) drilling or converting a well for the injection of water or gas to assist in the recovery of petroleum or natural gas from another well; R.S.O. 1970, c. 91, s. 58 (26).
- (e) "joint exploration corporation" means a principal-business corporation that has not at any time since its incorporation had more than ten shareholders, not including any individual holding a share for the sole purpose of qualifying as a director; *New*.
- (f) "principal-business corporation" means a corporation whose principal business is,
 - (i) production, refining or marketing of petroleum, petroleum products or natural gas, or exploring or drilling for petroleum or natural gas,
 - (ii) mining or exploring for minerals,
 - (iii) processing mineral ores for the purpose of recovering metals therefrom,
 - (iv) a combination of,
 - (A) processing mineral ores for the purpose of recovering metals therefrom, and
 - (B) processing metals recovered from the ores so processed,
 - (v) fabricating metals, or
 - (vi) operating a pipeline for the transmission of oil or natural gas; and R.S.O. 1970, c. 91, s. 58 (5).
- (g) "shareholder corporation" of a joint exploration corporation means a corporation that for the period in respect of which the expression is being applied,
 - (i) was a shareholder of the joint exploration corporation,
 - (ii) was a principal-business corporation, and
 - (iii) made payments to the joint exploration corporation in respect of Canadian exploration and development expenses incurred by the joint exploration corporation. R.S.O. 1970, c. 91, s. 58 (9).

SUBDIVISION E—RULES RELATING
TO COMPUTATION OF INCOME

General
limitation re
expenses

64. In computing income, no deduction shall be made in respect of an outlay or expense in respect of which any amount is otherwise deductible under this Act, except to the extent that the outlay or expense was reasonable in the circumstances. R.S.O. 1970, c. 91, s. 24 (2).

Amounts
in part
consideration
for disposition
of property

65. Where an amount can reasonably be regarded as being in part the consideration for the disposition of any property of a corporation and as being in part consideration for something else, the part of the amount that can reasonably be regarded as being the consideration for such disposition shall be deemed to be proceeds of disposition of that property irrespective of the form or legal effect of the contract or agreement, and the person to whom the property was disposed of shall be deemed to have acquired the property at the same part of that amount. R.S.O. 1970, c. 91, s. 32 (8) par. 7.

Inadequate
considera-
tions

66.—(1) Except as expressly otherwise provided in this Act,

(a) where a corporation has acquired anything from a person with whom it was not dealing at arm's length at an amount in excess of the fair market value thereof at the time it so acquired it, the corporation shall be deemed to have acquired it at that fair market value;

(b) where a corporation has disposed of anything,

(i) to a person with whom it was not dealing at arm's length for no proceeds or for proceeds less than the fair market value thereof at the time it so disposed of it, or

(ii) to any person by way of gift *inter vivos*,

it shall be deemed to have received proceeds of disposition therefor equal to that fair market value; and

(c) where a corporation has acquired property by way of gift, bequest or inheritance, it shall be deemed to have acquired the property at its fair market value at the time it so acquired it. R.S.O. 1970, c. 91, s. 28 (1, 2), *amended*.

(2) Where a corporation carrying on business in Canada ^{Idem} has paid or agreed to pay, to a non-resident person with whom it was not dealing at arm's length as price, rental, royalty or other payment for or for the use or reproduction of any property, or as consideration for the carriage of goods or passengers or for other services, an amount greater than the amount, in this subsection referred to as "the reasonable amount", that would have been reasonable in the circumstances if the non-resident person and the corporation had been dealing at arm's length, the reasonable amount shall, for the purpose of computing the corporation's income from the business, be deemed to have been the amount that was paid or is payable therefor. R.S.O. 1970, c. 91, s. 28 (3).

(3) Where a non-resident person had paid, or agreed to ^{Idem} pay, to a corporation carrying on business in Canada with whom he was not dealing at arm's length as price, rental, royalty or other payment for or for the use or reproduction of any property, or as consideration for the carriage of goods or passengers or for other services, an amount less than the amount, in this subsection referred to as "the reasonable amount", that would have been reasonable in the circumstances if the non-resident person and the corporation had been dealing at arm's length, the reasonable amount shall, for the purpose of computing the corporation's income from the business, be deemed to have been the amount that was paid or is payable therefor. R.S.O. 1970, c. 91, s. 28 (4).

(4) Where property of a corporation has been appropriated ^{Idem} in any manner whatever to, or for the benefit of, a shareholder, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the corporation's income for a fiscal year, for the purpose of determining the corporation's income for the fiscal year, it shall be deemed to have sold the property during the fiscal year and to have received therefor the fair market value thereof. R.S.O. 1970, c. 91, s. 28 (5).

(5) Where property of a corporation has been appropriated ^{Idem} in any manner whatever to, or for the benefit of, a shareholder, on the winding-up of the corporation, if the sale thereof at the fair market value immediately prior to the winding-up would have increased the corporation's income for a fiscal year, for the purpose of determining the corporation's income for the fiscal year, it shall be deemed to have sold the property during the fiscal year and to have received therefor the fair market value thereof. R.S.O. 1970, c. 91, s. 28 (6).

67.—(1) Where a corporation has received a security or other ^{Security in satisfaction of} right or a certificate of indebtedness or other evidence of ^{income} indebtedness wholly or partially as, in lieu of payment of, or ^{debt}

in satisfaction of, a debt that was then payable, the amount of which debt would be included in computing its income if it had been paid, the value of the security, right or indebtedness or the applicable portion thereof shall, notwithstanding the form or legal effect of the transaction, be included in computing its income for the fiscal year in which it was received. R.S.O. 1970, c. 91, s. 34 (1).

Idem

(2) Where a security or other right or a certificate of indebtedness or other evidence of indebtedness has been received by a corporation wholly or partially as, in lieu of payment of, or in satisfaction of, a debt before the debt was payable, but was not itself payable or redeemable before the day on which the debt was payable, it shall, for the purpose of subsection 1, be deemed to have been received when the debt became payable by the person holding it at that time. R.S.O. 1970, c. 91, s. 34 (2).

Idem

(3) This section is enacted for greater certainty and shall not be construed as limiting the generality of the other provisions of this Part by which amounts are required to be included in computing income. R.S.O. 1970, c. 91, s. 34 (3).

Bond
conver-
sion

68. Where a bond of a debtor is acquired by a corporation in exchange for another bond of the same debtor and,

- (a) the terms on which the bond for which it was exchanged was issued conferred upon the holder thereof the right to make the exchange; and
- (b) the amount payable to the holder of the bond on its maturity is the same as the amount that would have been payable to the holder of the bond for which it was exchanged on the maturity of that bond,

the cost of the bond so acquired and the sale price of the bond for which it was exchanged shall be deemed to be,

- (c) in the event that the bond that was exchanged was property described in an inventory of a business carried on by the corporation, the amount at which it had been valued at the end of the last complete fiscal year of the business preceding the exchange; or
- (d) in any other event, the adjusted cost base to the corporation of the bond that was exchanged, immediately before the exchange. R.S.O. 1970, c. 91, s. 35.

69.—(1) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person with whom the corporation was not dealing at arm's length at the time the outlay or expense was incurred and at the end of the second fiscal year following the fiscal year in which the outlay or expense was incurred, is unpaid at the end of that second fiscal year, either, ^{Unpaid amounts}

(a) the amount so unpaid shall be included in computing the corporation's income for the third fiscal year following the fiscal year in which the outlay or expense was incurred; or

(b) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 145 to file its return for the third succeeding fiscal year, for the purposes of this Act the following rules apply:

(i) the amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said third fiscal year, and section 153 of the *Income Tax Act* (Canada), except subsection 3 thereof, is applicable to the extent that it would apply if that amount were being paid to that person by the corporation, and ^{1970-71, c. 63 (Can.)}

(ii) that person shall be deemed to have made a loan to the corporation on the first day of the said third fiscal year in an amount equal to the amount so unpaid minus the amount, if any, deducted or withheld therefrom by the corporation on account of that person's tax for the said third fiscal year. R.S.O. 1970, c. 91, s. 29 (1).

(2) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person with whom the corporation was not dealing at arm's length is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the second fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the corporation's income for the fiscal year in which it is wound up. R.S.O. 1970, c. 91, s. 29 (2). ^{Idem}

(3) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person as salary, wages or other remuneration in respect of an office ^{Unpaid remuneration}

or employment is unpaid at the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred, either,

- (a) the amount so unpaid shall be included in computing the corporation's income for the second fiscal year following the fiscal year in which the outlay or expense was incurred; or
- (b) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 145 to file its return for the first fiscal year following the fiscal year in which the outlay or expense was incurred, for the purposes of this Act the following rules apply:
 - (i) the amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said second fiscal year, and section 153 of the *Income Tax Act* (Canada), except subsection 3 thereof, is applicable to the extent that it would apply if that amount were being paid to that person by the corporation; and
 - (ii) that person shall be deemed to have made a loan to the corporation on the first day of the said second fiscal year in an amount equal to the amount so unpaid minus the amount, if any, deducted or withheld therefrom by the corporation on account of that person's tax for the said second fiscal year. R.S.O. 1970, c. 91, s. 29 (3).

1970-71,
c. 63 (Can.)

Where
unpaid
at time
corporation
wound up

(4) Where an amount in respect of a deductible outlay or expense described in subsection 3 that was owing by a corporation is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the corporation's income for the fiscal year in which it is wound up. R.S.O. 1970, c. 91, s. 29 (4).

Application

(5) Subsection 1 does not apply in any case where subsection 3 applies and subsection 2 does not apply in any case where subsection 4 applies. R.S.O. 1970, c. 91, s. 29 (5).

Late
filing

(6) Where, in respect of an amount described in subsection 1 or 3 that was owing by a corporation to a person, an agreement in a form prescribed for the purposes of this

section is filed after the day on or before which the agreement is required to be filed for the purposes of clause *b* of subsection 1 or clause *b* of subsection 3, as the case may be, both clauses *a* and *b* of subsection 1 or 3, as the case may be, apply in respect of the said amount, except that clause *a* of subsection 1 or clause *a* of subsection 3, as the case may be, shall be read and construed as requiring 25 per cent only of the said amount to be included in computing the corporation's income. R.S.O. 1970, c. 91, s. 29 (6).

70. Where, at any time in a fiscal year, a person who,

Mortgage
foreclosures
and condi-
tional sales
repossessions

- (a) was a mortgagee or other creditor of another person who had previously acquired property; or
- (b) had previously sold property to another person under a conditional sales agreement,

has acquired or reacquired the beneficial ownership of the property in consequence of the other person's failure to pay all or any part of an amount, in this section referred to as the "person's claim", owing by him to the person, the following rules apply,

- (c) there shall be included, in computing the other person's proceeds of disposition of the property, the principal amount of the person's claim plus all amounts each of which is the principal amount of any debt that had been owing by the other person, to the extent that it has been extinguished by virtue of the acquisition or reacquisition, as the case may be;
- (d) any amount paid by the other person after the acquisition or reacquisition, as the case may be, as, on account of or in satisfaction of the person's claim shall be deemed to be a loss of that other person, for his fiscal year in which payment of that amount was made, from the disposition of the property;
- (e) in computing the income of the person for the fiscal year,
 - (i) the amount, if any, claimed by him under subclause iii of clause *a* of subsection 1 of section 42 in computing his gain for the immediately preceding fiscal year from the disposition of the property, and
 - (ii) the amount, if any, deducted under clause *p* of subsection 1 of section 24 in computing the

income of the person for the immediately preceding fiscal year in respect of the property,

shall be deemed to be nil;

- (f) the person shall be deemed to have acquired or reacquired, as the case may be, the property at the amount, if any, by which the principal amount of the person's claim exceeds the amount described in subclause i or ii of clause *e*, as the case may be, in respect of the property;
- (g) the adjusted cost base to the person of the person's claim shall be deemed to be nil; and
- (h) in computing the person's income for the fiscal year or a subsequent fiscal year, no amount is deductible in respect of the person's claim by virtue of clause *n* or *r* of subsection 1 of section 24. *New.*

Debtor's
gain on
settlement
of debts

71. Where at any time in a fiscal year a debt or other obligation of a corporation to pay an amount is settled or extinguished after 1971 without any payment by it or by the payment of an amount less than the principal amount of the debt or obligation, as the case may be, the amount by which the lesser of the principal amount thereof and the amount for which the obligation was issued by the corporation exceeds the amount so paid, if any, shall be applied,

- (a) to reduce, in the following order, the corporation's,
 - (i) non-capital losses,
 - (ii) net capital losses, and
 - (iii) restricted farm losses,

for preceding fiscal years, to the extent of the amount of those losses that would otherwise be deductible in computing the corporation's taxable income for the fiscal year or a subsequent fiscal year; and

- (b) to the extent that the excess exceeds the portion thereof required to be applied as provided in clause *a*, to reduce in prescribed manner the capital cost to the corporation of any depreciable property and the adjusted cost base to it of any capital property;

unless,

- (c) the corporation is, at that time, a bankrupt within the meaning of section 108;
- (d) the debt or obligation was such that, if interest had been paid by the corporation in respect of it, no deduction would have been permitted by this Part in respect of that interest in computing the corporation's income;
- (e) section 70 is applicable in respect of the debt or obligation; or
- (f) the excess is otherwise required to be included in computing the corporation's income for the fiscal year. *New.*

72. In computing income for the purposes of this Act, no deduction may be made in respect of a disbursement or expense made or incurred in respect of a transaction or operation that, if allowed, would unduly or artificially reduce the income. R.S.O. 1970, c. 91, s. 24 (5). Artificial transaction

73.—(1) Where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatsoever is that a person confers a benefit on a corporation, that person shall be deemed to have made a payment to the corporation equal to the amount of the benefit conferred notwithstanding the form or legal effect of the transactions or that one or more other persons were also parties thereto; and whether or not there was an intention to avoid or evade taxes under this Act, the payment shall be included in computing the income of the corporation. R.S.O. 1970, c. 91, s. 18 (1). Indirect payment or transfer

(2) Where it is established that a sale, exchange or other transaction was entered into by a corporation and other persons dealing at arm's length *bona fide* and not pursuant to, or as part of, any other transaction and not to effect payment in whole or in part of an existing or future obligation, no party thereto shall be regarded, for the purpose of this section and for the purpose of section 72, as having conferred a benefit on a corporation that was party thereto. R.S.O. 1970, c. 91, s. 18 (2). Arm's length

74. In computing the income of a corporation for a fiscal year there shall be included an amount that is included in computing the income of the corporation under Part XVI of the *Income Tax Act* (Canada) pursuant to section 247 of that Act. R.S.O. 1970, c. 91, s. 17(o). Dividend stripping
1970-71, c. 63,
(Can.)

SUBDIVISION F—AMOUNTS NOT INCLUDED
IN COMPUTING INCOME

Amounts not
included in
income

75.—(1) There shall not be included in computing the income of a corporation for a fiscal year,

Federal
grants

(a) an amount paid to a corporation on account of a grant under the *Area Development Incentives Act* (Canada), the *Industrial Research and Development Incentives Act* (Canada), the *Regional Development Incentives Act* (Canada) or the *Employment Support Act* (Canada); R.S.O. 1970, c. 91, s. 22 (d).

War Savings
Certificate

(b) an amount received under a War Savings Certificate issued by His Majesty in right of Canada or under a similar savings certificate issued by His Majesty in right of Newfoundland before April 1, 1949; R.S.O. 1970, c. 91, s. 22 (a).

Ship or
aircraft
of non-
residents

(c) the income for the fiscal year of a non-resident corporation earned in Canada from the operation by it of a ship or aircraft in international traffic, if the country where that corporation resided grants substantially similar relief for the fiscal year to a corporation resident in Canada; R.S.O. 1970, c. 91, s. 22 (b).

Prospecting

(d) an amount in respect of the receipt of a share that section 37 provides is not to be included; R.S.O. 1970, c. 91, s. 22 (c).

Interest on
certain bonds
and
debentures

(e) interest received by a corporation resident in Canada, in this clause referred to as the “parent corporation”, on a bond, debenture, bill, note, mortgage, hypothec or similar obligation received by it as consideration for the disposition by it, before June 18, 1971, of,

(i) a business carried on by it in a country other than Canada, or

(ii) all of the shares of a corporation that carried on a business in a country other than Canada, and such of the debts and other obligations of that corporation as were, immediately before the disposition, owing to the parent corporation,

if,

(iii) the business was of a public utility or public service nature,

(iv) the business or the property described in sub-clause ii, as the case may be, was disposed of to a person or persons resident in that country, and

(v) the obligation received by the parent corporation was issued by or guaranteed by the government of that country or any agent thereof. *New.*

(2) (a) Subject to the prescribed conditions, there shall not be included in computing the income of a corporation income derived from the operation of a mine during the period of thirty-six months commencing with the day on which the mine came into production. R.S.O. 1970, c. 91, s. 57 (4). Exemption
for three
years

(b) In clause a,

Interpre-
tation

(i) "mine" does not include an oil well, gas well, brine well, sand pit, gravel pit, clay pit, shale pit or stone quarry, other than a deposit of oil shale or bituminous sand, but does include a well for the extraction of material from a sylvite deposit and all such wells, the material produced from which is sent to a single plant for processing, shall be deemed to be one mine, and

(ii) "production" means production in reasonable commercial quantities. R.S.O. 1970, c. 91 s. 57 (5).

SUBDIVISION G—CORPORATIONS RESIDENT IN CANADA AND THEIR SHAREHOLDERS

76.—(1) In computing the income of a corporation for a fiscal year, there shall be included all amounts received by the corporation in the fiscal year from corporations resident in Canada as, on account or in lieu of payment of, or in satisfaction of taxable dividends. R.S.O. 1970, c. 91, s. 17 (a). Taxable
dividends
received

(2) Where, by virtue of subsection 4 of section 58, there is included in computing the corporation's income for a fiscal year a dividend received by some other person, for the purposes of this section and section 100, the dividend shall be deemed to have been received by the corporation. *New* Certain
dividends
deemed
received
by corpora-
tion

77.—(1) Where at any particular time after 1971 a dividend becomes payable by a Canadian corporation to shareholders of any class of shares of its capital stock, Dividend
out of
tax-paid
undistributed
surplus or
1971 capital
surplus

1970-71, c. 63
(Can.)

- (a) such dividend shall be deemed to be payable out of the corporation's tax-paid undistributed surplus on hand or out of its 1971 capital surplus on hand to the extent and in the same manner that such dividend is deemed to be payable out of the corporation's tax-paid undistributed surplus on hand or 1971 capital surplus on hand, as the case may be, for purposes of subsection 1 of section 83 of the *Income Tax Act* (Canada);
- (b) no part of the dividend shall be included in computing the income of any shareholder of the corporation; and
- (c) in computing the adjusted cost base to any shareholder of the corporation of any share of the capital stock of the corporation owned by him, there shall be deducted in respect of the dividend an amount as provided by subclause i of clause a of subsection 2 of section 55.

Capital
dividend

(2) Where at any particular time after 1971 a dividend becomes payable by a private corporation to shareholders of any class of shares of its capital stock,

- (a) the dividend shall be deemed to be a capital dividend to the extent required by subsection 2 of section 83 of the *Income Tax Act* (Canada); and
- (b) no part of the dividend shall be included in computing the income of any shareholder of the corporation.
New.

Deemed
dividend

78.—(1) Where a corporation resident in Canada has at any time after 1971 increased the paid-up capital in respect of the shares of any particular class of its capital stock, otherwise than by,

- (a) payment of a stock dividend;
- (b) a transaction by which,
 - (i) the value of its assets less its liabilities has been increased, or
 - (ii) its liabilities less the value of its assets have been decreased,

by an amount not less than the amount of the increase in the paid-up capital in respect of the shares of the particular class; or

- (c) a transaction by which the paid-up capital in respect of the shares of all other classes of its capital stock has been reduced by an amount not less than the amount of the increase in the paid-up capital in respect of the shares of the particular class,

the corporation shall be deemed to have paid at that time a dividend on the issued shares of the particular class equal to the amount, if any, by which the amount of the increase in the paid-up capital exceeds the aggregate of,

- (d) the amount, if any, of the increase referred to in subclause i of clause *b* or the decrease referred to in subclause ii of clause *b*, as the case may be; and
- (e) the amount, if any, of the reduction referred to in clause *c*,

and a dividend shall be deemed to have been received at that time by each person who held any of the issued shares of the particular class immediately after that time equal to that proportion of the dividend so deemed to have been paid by the corporation that the number of the shares of the particular class held by him immediately after that time is of the number of the issued shares of that class outstanding immediately after that time. R.S.O. 1970, c. 91, s. 55 (7).

(2) Where funds or property of a corporation resident in Canada have at any time after 1971 been distributed or otherwise appropriated in any manner whatever to or for the benefit of the shareholders of any class of shares in its capital stock, on the winding-up, discontinuance or reorganization of its business, the corporation shall be deemed to have paid at that time a dividend on shares of that class equal to the amount, if any, by which,

Distributions
on winding-
up, etc.

- (a) the amount or value of the funds or property distributed or appropriated, as the case may be,

exceeds the lesser of,

- (b) the amount, if any, by which the paid-up capital in respect of the shares of that class immediately before that time is reduced on the distribution or appropriation, as the case may be; and
- (c) the paid-up capital limit of the corporation immediately before that time,

and a dividend shall be deemed to have been received at that time by each person who held any of the issued shares at that

time equal to that proportion of the amount of the excess that the number of the shares of that class held by him immediately before that time is of the number of the issued shares of that class outstanding immediately before that time. R.S.O. 1970, c. 91, s. 55 (1).

Redemption,
etc.

(3) Where at any time after 1971 a corporation resident in Canada has redeemed, acquired or cancelled in any manner whatever, otherwise than by way of a transaction described in subsection 2, any of the shares of any class of its capital stock, the corporation shall be deemed to have paid at that time a dividend on a class of shares comprising the shares so redeemed, acquired or cancelled, equal to,

1970-71, c. 63
(Can.)

- (a) in the case of any such shares in respect of the redemption or acquisition of which the corporation is required to pay tax under section 182 of the *Income Tax Act* (Canada), the amount, if any, by which the paid-up capital in respect of those shares immediately before that time exceeds the paid-up capital limit of the corporation immediately before that time; and
- (b) in the case of any other such shares, the amount, if any, by which the amount paid by the corporation on the redemption, acquisition or cancellation, as the case may be, of those shares exceeds the lesser of,
 - (i) the paid-up capital in respect of those shares immediately before that time, and
 - (ii) the amount, if any, by which the paid-up capital limit of the corporation immediately before that time exceeds the amount that was its paid-up capital in respect of the shares referred to in clause *a* so redeemed, acquired or cancelled at that time,

and a dividend shall be deemed to have been received at that time by each person who held any of those shares at that time equal to the aggregate of,

- (c) that proportion of the excess referred to in clause *a* that the number of those shares held by him immediately before that time and described in that clause is of the total number of those shares described in that clause; and
- (d) that proportion of the excess referred to in clause *b* that the number of those shares held by him immediately before that time and not described in

clause *a* is of the total number of those shares not described in that clause. R.S.O. 1970, c. 91, s. 55 (2).

(4) Where at any time after 1971 a corporation resident in Canada has reduced the paid-up capital in respect of any shares of any class of its capital stock otherwise than by way of a redemption, acquisition or cancellation of those shares or a transaction described in subsection 2,

Reduction
of paid-up
capital

(a) the corporation shall be deemed to have paid at that time a dividend on shares of that class equal to the amount, if any, by which the amount paid by it on the reduction of the paid-up capital exceeds the paid-up capital limit of the corporation immediately before that time; and

(b) a dividend shall be deemed to have been received at that time by each person who held any of the issued shares at that time equal to that proportion of the amount of the excess referred to in clause *a* that the number of the shares of that class held by him immediately before that time is of the number of the issued shares of that class outstanding immediately before that time.

(5) Where,

Amount
distributed
or paid
where a
share

(a) the amount of the property distributed or appropriated by a corporation as described in clause *a* of subsection 2; or

(b) the amount paid by a corporation as described in clause *b* of subsection 3 or clause *a* of subsection 4,

includes a share of the capital stock of the corporation, for the purposes of subsections 2 to 4 the following rules apply:

(c) in computing that amount at any time, the share shall be valued at an amount equal to the paid-up capital in respect of the share at that time; and

(d) the value of the share shall be included in computing the paid-up capital limit of the corporation immediately before that time.

(6) Subsection 2 or 3, as the case may be, is not applicable,

Application
of subs. 2 or 3

(a) in respect of any transaction or event, if subsection 1 is applicable in respect of that transaction or event; and

- (b) in respect of any purchase by a corporation of any of its shares in the open market, if the corporation acquired those shares in the manner in which shares would normally be purchased by any member of the public in the open market.

When
dividend
payable

(7) A dividend that is deemed by this section to have been paid at a particular time shall be deemed, for the purposes of this Subdivision, to have become payable at that time.
New.

Transfer of
property to
corporation
by control-
ling
shareholder

79.—(1) Where a person has, after 1971, disposed of any property that was a capital property or eligible capital property of the person to a Canadian corporation, and immediately after the disposition owned not less than 80 per cent of the issued shares of each class of the capital stock of the corporation, if the person and the corporation have jointly so elected in prescribed form and within prescribed time the following rules apply:

- (a) the amount that the person and the corporation have agreed upon in their election in respect of the property shall be deemed to be the person's proceeds of disposition of the property and the corporation's cost of the property;
- (b) subject to clause c, where the amount that the person and the corporation have agreed upon in their election in respect of the property is less than the fair market value, at the time of the disposition, of the consideration therefor, other than any shares of the capital stock of the corporation or a right to receive any such shares, received by the person, the amount so agreed upon shall, irrespective of the amount actually so agreed upon by them, be deemed to be an amount equal to that fair market value;
- (c) where the amount that the person and the corporation have agreed upon in their election in respect of the property is greater than the fair market value, at the time of the disposition, of the property so disposed of, the amount so agreed upon shall, irrespective of the amount actually so agreed upon, be deemed to be an amount equal to that fair market value;
- (d) where the property was eligible capital property in respect of a business of the person and the amount that, but for this clause, would be the proceeds of disposition thereof is less than the least of,

- (i) twice the person's cumulative eligible capital in respect of the business immediately before disposition,
- (ii) the cost to the person of the property, and
- (iii) the fair market value of the property at the time of disposition,

the amount agreed upon by the person and the corporation in their election in respect of the property shall, irrespective of the amount actually so agreed upon by them, and notwithstanding clauses *b* and *c*, be deemed to be the least of the amounts described in subclauses i to iii inclusive;

- (e) where the property was depreciable property of a prescribed class of the person and the amount that, but for this clause, would be the proceeds of disposition thereof is less than the least of,

- (i) the undepreciated capital cost to the person of all property of that class immediately before the disposition,
- (ii) the cost to the person of the property, and
- (iii) the fair market value of the property at the time of the disposition,

the amount agreed upon by the person and the corporation in their election in respect of the property shall, irrespective of the amount actually so agreed upon by them, and notwithstanding clauses *b* and *c*, be deemed to be the least of the amounts described in subclauses i to iii inclusive;

- (f) the cost to the person of any particular property, other than shares of the capital stock of the corporation or a right to receive any such shares, received by him as consideration for the disposition shall be deemed to be an amount equal to the lesser of,

- (i) the fair market value of the particular property at the time of the disposition, and
- (ii) that proportion of the fair market value, at the time of the disposition, of the property disposed of by the person to the corporation that,

- (A) the amount determined under sub-clause i is of,
 - (B) the fair market value, at the time of the disposition, of all properties, other than shares of the capital stock of the corporation or a right to receive any such shares, received by the person as consideration for the disposition;
- (g) the cost to the person of any preferred shares of any class of the capital stock of the corporation receivable by him as consideration for the disposition shall be deemed to be the lesser of the fair market value of those shares immediately after the disposition and that proportion of the amount, if any, by which the proceeds of the disposition exceed the fair market value of the consideration, other than shares of the capital stock of the corporation or a right to receive any such shares, received by him for the disposition, that,
- (i) the fair market value, immediately after the disposition, of those preferred shares of that class,
- is of,
- (ii) the fair market value, immediately after the disposition, of all preferred shares of the capital stock of the corporation receivable by him as consideration for the disposition;
- (h) the cost to the person of any common shares of any class of the capital stock of the corporation receivable by him as consideration for the disposition shall be deemed to be that proportion of the amount, if any, by which the proceeds of the disposition exceed the aggregate of the fair market value, at the time of the disposition, of the consideration, other than shares of the capital stock of the corporation or a right to receive any such shares, received by him for the disposition and the cost to him of all preferred shares of the capital stock of the corporation receivable by him as consideration for that disposition, that,
- (i) the fair market value, immediately after the disposition, of those common shares of that class,

is of,

- (ii) the fair market value, immediately after the disposition, of all common shares of the capital stock of the corporation receivable by him as consideration for the disposition; and
 - (i) for greater certainty, where the application of this subsection results in a capital loss of the person from the disposition of any property, subsection 4 is applicable. *New.*
- (2) Where, after 1971,
- (a) any partnership property that was a capital property or eligible capital property of a partnership has been disposed of to a Canadian corporation;
Transfer of property to corporation from partnership
 - (b) immediately after the disposition, not less than 80 per cent of the issued shares of each class of the capital stock of the corporation was partnership property; and
 - (c) the corporation and all the members of the partnership have so elected in respect of the disposition, in prescribed form and within prescribed time,

clauses *a* to *i* of subsection 1 are applicable in respect of the disposition *mutatis mutandis* as if the partnership were a person resident in Canada who had disposed of the property to the corporation. *New.*

- (3) Where,
- (a) in respect of any disposition of partnership property of a partnership to a corporation, subsection 2 applies;
Where partnership wound up
 - (b) the affairs of the partnership were wound up within sixty days after the disposition; and
 - (c) immediately before the winding-up there was no partnership property other than money or property received from the corporation as consideration for the disposition,

the following rules apply:

- (d) the cost to any member of the partnership of any property, other than shares of the capital stock of the corporation or a right to receive any such shares,

received by him as consideration for the disposition of his partnership interest on the winding-up shall be deemed to be the fair market value of the property at the time of the winding-up;

(e) the cost to any member of the partnership of any preferred shares of any class of the capital stock of the corporation receivable by him as consideration for the disposition of his partnership interest on the winding-up shall be deemed to be,

(i) where any common shares of the capital stock of the corporation were also receivable by him as consideration for disposition of the interest, the lesser of,

(A) the fair market value, immediately after the winding-up, of the preferred shares of that class so receivable by him, and

(B) that proportion of the amount, if any, by which the adjusted cost base to him of his partnership interest immediately before the winding-up exceeds the aggregate of the fair market value, at the time of the winding-up, of the consideration, other than shares of the capital stock of the corporation or a right to receive any such shares, received by him for the disposition of the interest, that,

1. the fair market value, immediately after the winding-up, of the preferred shares of that class so receivable by him,

is of,

2. the fair market value, immediately after the winding-up, of all preferred shares of the capital stock of the corporation receivable by him as consideration for the disposition, and

(ii) in any other case, the amount determined under sub-subclause B of subclause i;

(f) the cost to any member of the partnership of any common shares of any class of the capital stock of the corporation receivable by him as consideration for

the disposition of his partnership interest on the winding-up shall be deemed to be that proportion of the amount, if any, by which the adjusted cost base to him of his partnership interest immediately before the winding-up exceeds the aggregate of the fair market value, at the time of the winding-up, of the consideration, other than shares of the capital stock of the corporation or a right to receive any such shares, received by him for the disposition of the interest and the cost to him of all preferred shares of the capital stock of the corporation receivable by him as consideration for the disposition of the interest, that,

- (i) the fair market value, immediately after the winding-up, of the common shares of that class so receivable by him,

is of,

- (ii) the fair market value, immediately after the winding-up, of all common shares of the capital stock of the corporation so receivable by him as consideration for the disposition; and

- (g) the proceeds of disposition of the partnership interest of any member of the partnership shall be deemed to be the cost to him of all shares and property receivable or received by him as consideration for the disposition of the interest plus the amount of any money received by him as consideration for the disposition. *New.*

(4) Where a person has, after 1971, disposed of any capital property of the person to a corporation that, immediately after the disposition, was controlled, directly or indirectly in any manner whatever, by the person or by another person or group of persons by whom the first person was controlled directly or indirectly in any manner whatever, and, but for this subsection, the first person would have had a capital loss therefrom, the following rules apply:

Where capital loss from disposition of property to controlled corporation

- (a) his capital loss therefrom otherwise determined shall be deemed to be nil;
- (b) where, immediately after the disposition, the person owned any common shares of any class of the capital stock of the corporation, in computing the adjusted cost base to him of all common shares of that class owned by him immediately after the disposition

there shall be added that proportion of the amount, if any, by which the adjusted cost base to him, immediately before the disposition, of the property so disposed of exceeds his proceeds of the disposition, that,

- (i) the fair market value, immediately after the disposition, of all common shares of that class so owned by him,

is of,

- (ii) the fair market value, immediately after the disposition, of all common shares of the capital stock of the corporation owned by him immediately after the disposition; and

- (c) where, immediately after the disposition, the person owned no common shares of any class of the capital stock of the corporation, in computing the adjusted cost base to him of all preferred shares of any class of the capital stock of the corporation owned by him at that time, there shall be added that proportion of the amount, if any, by which the adjusted cost base to him, immediately before the disposition, of the property so disposed of exceeds his proceeds of the disposition, that,

- (i) the fair market value, immediately after the disposition, of all preferred shares of that class so owned by him,

is of,

- (ii) the fair market value, immediately after the disposition, of all preferred shares of the capital stock of the corporation owned by him immediately after the disposition. *New.*

Rules where depreciable property transferred to controlled corporation

(5) Where subsection 1 or 2 has been applicable in respect of any disposition of any depreciable property to a corporation, in this subsection referred to as the "transferee", and the capital cost to the transferor of the property exceeds the transferor's proceeds of the disposition, for the purposes of sections 17 and 24 and any regulations made under clause *a* of subsection 1 of section 24,

- (a) the capital cost of the property to the transferee shall be deemed to be the amount that was the capital cost thereof to the transferor; and

- (b) the excess shall be deemed to have been allowed to the transferee in respect of the property under regulations made under clause *a* of subsection 1 of section 24 in computing income for fiscal years before the acquisition by the transferee of the property. R.S.O. 1970, c. 91, s. 32 (3).

80.—(1) Where in the course of a reorganization of the capital of a corporation, a person has, after 1971, disposed of, and the corporation has acquired, category A shares of any class of the capital stock of the corporation, the following rules apply,

Disposition of shares by a shareholder in course of reorganization of capital

- (a) the cost to the person of any property, other than shares of the capital stock of the corporation or a right to receive any such shares, received by him as consideration for the disposition shall be deemed to be its fair market value at the time of the disposition;
- (b) the cost to the person of any category B shares of any class of the capital stock of the corporation receivable by him as consideration for the disposition shall be deemed to be,
- (i) where category A shares were also receivable by him as consideration for the disposition, the lesser of,
- (A) the fair market value, immediately after the disposition, of those category B shares of that class, and
- (B) that proportion of the amount, if any, by which the adjusted cost base to him, immediately before the disposition, of the category A shares so disposed of exceeds the fair market value of the consideration for the disposition, other than shares of the capital stock of the corporation or a right to receive any such shares, received by him from the corporation, that,

1. the fair market value, immediately after the disposition, of those category B shares of that class,

is of,

2. the fair market value, immediately after the disposition, of all category B shares of the capital stock of the corporation receivable by him as consideration for the disposition, and

- (ii) in any other case, the amount determined under sub-subclause B of subclause i;

- (c) the cost to the person of any category A shares of any class of the capital stock of the corporation receivable by him as consideration for the disposition shall be deemed to be that proportion of the amount, if any, by which the adjusted cost base to him, immediately before the disposition, of the category A shares so disposed of exceeds the aggregate of the fair market value of the consideration, other than shares of the capital stock of the corporation or a right to receive any such shares, received by him from the corporation as consideration for the disposition and the cost to him of all category B shares of the capital stock of the corporation receivable by him as consideration for the disposition, that,

- (i) the fair market value, immediately after the disposition, of the category A shares of that class receivable by him as consideration for the disposition,

is of,

- (ii) the fair market value, immediately after the disposition, of all category A shares of the capital stock of the corporation receivable by him as consideration for the disposition; and

- (d) his proceeds of the disposition of the shares shall be deemed to be the cost to him of all shares and other property receivable or received by him as consideration for the disposition of the shares plus the amount of any money received by him on the disposition. *New.*

Interpre-
tation

- (2) For the purposes of this section,

- (a) "category A share" means a common share where the person has disposed of a common share in the course of a reorganization, and means a preferred

share where the person has disposed of a preferred share in the course of a reorganization; and

- (b) "category B share" means a preferred share where a category A share means a common share, and means a common share where a category A share means a preferred share. *New.*

(3) This section is not applicable in any case where any of ^{Application} subsections 1 to 3 of section 79 are applicable. *New.*

81.—(1) In this section, an amalgamation means a merger ^{Amalgama-}_{tions} of two or more corporations each of which was, immediately before the merger, a Canadian corporation, each of which corporations is referred to in this section as a "predecessor corporation", to form one corporate entity, in this section referred to as the "new corporation", in such manner that,

- (a) all of the property of the predecessor corporations immediately before the merger becomes property of the new corporation by virtue of the merger;
- (b) all of the liabilities of the predecessor corporations immediately before the merger become liabilities of the new corporation by virtue of the merger; and
- (c) all of the shareholders, except any predecessor corporation, of the predecessor corporations immediately before the merger become shareholders of the new corporation by virtue of the merger,

otherwise than as a result of the acquisition of property of one corporation by another corporation, pursuant to the purchase of such property by the other corporation or as a result of the distribution of such property to the other corporation upon the winding-up of the corporation. R.S.O. 1970, c. 91, s. 66 (1).

(2) Where there has been an amalgamation of two or ^{Rules}_{applicable} more corporations after 1971 the following rules apply,

- (a) for the purposes of this Act, the corporate entity ^{Fiscal}_{year} formed as a result of the amalgamation shall be deemed to be a new corporation the first fiscal year of which shall be deemed to have commenced at the time of the amalgamation, and a fiscal year of a predecessor corporation that would otherwise have ended after the amalgamation shall be deemed to have ended immediately before the amalgamation; R.S.O. 1970, c. 91, s. 66 (2) par. 1.

Inventory

- (b) for the purpose of computing the income of the new corporation for its first fiscal year, where the property described in the inventory, if any, of the new corporation at the commencement of that fiscal year includes,
- (i) property that was described in the inventory of a predecessor corporation at the end of the fiscal year of the predecessor corporation that ended immediately before the amalgamation, which fiscal year of a predecessor corporation is referred to in this section as its "last fiscal year", or
 - (ii) property that would have been described in the inventory of the predecessor corporation at the end of its last fiscal year if its income for that fiscal year had not been computed in accordance with the method authorized by subsection 1 of section 31,

the property so included shall be deemed to have been acquired by the new corporation at the commencement of its first fiscal year for an amount determined in accordance with section 15 as the value thereof for the purpose of computing the income of the predecessor corporation for its last fiscal year, except that where the income of the predecessor corporation for its last fiscal year was computed in accordance with the method authorized by subsection 1 of section 31, the amount so determined shall be deemed to be nil; R.S.O. 1970, c. 91, s. 66 (2) par. 2.

Method
adopted
for com-
puting
income

- (c) where the method adopted by the new corporation for computing its income for a fiscal year from a business is not the same as the method adopted by a predecessor corporation for computing its income for its last fiscal year or a previous fiscal year, in computing the income of the new corporation for that fiscal year from the business,
- (i) there shall be included any amount received by it in that fiscal year in payment of or on account of a debt owing to the predecessor corporation that would, if it had been received by the predecessor corporation in its last fiscal year, have been included in computing the income of the predecessor corporation for that fiscal year, and

- (ii) there may be deducted any amount paid by it in that fiscal year in payment of or on account of a debt owing by the predecessor corporation that would, if it had been paid by the predecessor corporation in its last fiscal year, have been deductible in computing the income of the predecessor corporation for that fiscal year; R.S.O. 1970, c. 91, s. 66 (2) par. 3.
- (d) for the purposes of sections 17 and 24 and any ^{Depre-}regulations made under clause *a* of subsection 1 of ^{ciable}property section 24,
- (i) where depreciable property of a prescribed class has been acquired by the new corporation from a predecessor corporation, the capital cost of the property to the new corporation shall be deemed to be the amount that was the capital cost thereof to the predecessor corporation, and
 - (ii) in determining the undepreciated capital cost to the new corporation of depreciable property of a prescribed class at any time,
 - (A) there shall be added to the capital cost to the new corporation of depreciable property of that class acquired before that time the undepreciated capital cost to each of the predecessor corporations of property of that class immediately before the amalgamation,
 - (B) there shall be subtracted from the capital cost to the new corporation of depreciable property of that class acquired before that time the capital cost to the new corporation of property of that class acquired by virtue of the amalgamation,
 - (C) a reference in subclause ii of clause *a* of subsection 4 of section 17 to amounts that would have been allowed to a corporation in respect of transferred property, at the rate that was allowed to the corporation in respect of property of a prescribed class, shall be construed as including a reference to amounts that would have been allowed to a prede-

cessor corporation in respect of that property at the rate that was allowed to the predecessor corporation in respect of property of that prescribed class, and

- (D) where depreciable property that is deemed by subsection 6 of section 39 to be a separate prescribed class has been acquired by the new corporation from a predecessor corporation, the property shall continue to be deemed to be of that same separate prescribed class; R.S.O. 1970, c. 91, s. 66 (2) par. 4.

Capital
property

- (e) where any capital property, other than depreciable property, has been acquired by the new corporation from a predecessor corporation, the cost of the property to the new corporation shall be deemed to be the amount that was the adjusted cost base thereof to the predecessor corporation immediately before the amalgamation; *New*.

Cumulative
eligible
capital

- (f) for the purposes of computing the cumulative eligible capital of the new corporation at any time in respect of a business, where a predecessor corporation carried on a business that is carried on by the new corporation the amount of the cumulative eligible capital of the predecessor corporation immediately before the amalgamation in respect of that business shall be added to the amount determined under subclause i of clause *a* of subsection 4 of section 18 in respect thereof; *New*.

Reserves

- (g) for the purpose of computing the income of the new corporation for a fiscal year,
- (i) any amount that has been deducted as a reserve in computing the income of a predecessor corporation for its last fiscal year shall be deemed to have been deducted as a reserve in computing the income of the new corporation for a fiscal year immediately preceding its first fiscal year, and
 - (ii) any amount deducted under clause *r* of subsection 1 of section 24 in computing the income of a predecessor corporation for its last fiscal year or a previous fiscal year shall be deemed to have been deducted thereunder in comput-

ing the income of the new corporation for a fiscal year immediately preceding its first fiscal year; R.S.O. 1970, c. 91, s. 66 (2) par. 5.

- (h) for the purpose of computing a deduction from the ^{Debts} income of the new corporation for a fiscal year under clause *n* or *r* of subsection 1 of section 24 or section 35, where any debt owing to a predecessor corporation,
 - (i) that was included in computing the income of the predecessor corporation for its last fiscal year or a previous fiscal year, or
 - (ii) that arose from a loan made in the ordinary course of business by the predecessor corporation, part of whose ordinary business was the lending of money,

has, by virtue of the amalgamation, been acquired by the new corporation, the amount thereof shall be deemed to be a debt owing to the new corporation that was included in computing the income of the new corporation for a previous fiscal year or that arose from a loan so made by it, as the case may be; R.S.O. 1970, c. 91, s. 66 (2) par. 6.

- (i) for the purpose of computing a deduction from the ^{Special reserve} income of the new corporation for a fiscal year under clause *p* of subsection 1 of section 24, any amount included in computing the income of a predecessor corporation from a business for its last fiscal year or a previous fiscal year in respect of property sold in the course of the business shall be deemed to have been included in computing the income of the new corporation from the business for a previous fiscal year in respect thereof; R.S.O. 1970, c. 91, s. 66 (2) par. 10.
- (j) for the purpose of computing a deduction from the ^{Idem} income of the new corporation for a fiscal year under clause *o* of subsection 1 of section 24 or section 34, any amount included in computing the income of a predecessor corporation from a business for its last fiscal year or a previous fiscal year by virtue of clause *a* of subsection 1 of section 16 shall be deemed to have been included in computing the income of the new corporation from the business for a previous fiscal year by virtue thereof; R.S.O. 1970, c. 91, s. 66 (2) par. 14.

Scientific
research

- (*k*) for the purpose of section 39, any expenditure of a capital nature on scientific research made by a predecessor corporation in its last fiscal year or a previous fiscal year that would have been deductible by the predecessor corporation by virtue of clause *b* of subsection 1 of section 39 in computing its income for its last fiscal year shall, to the extent that such expenditure was not deducted by the predecessor corporation, be deemed to be an expenditure of a capital nature on scientific research made in Canada by the new corporation in its first fiscal year; R.S.O. 1970, c. 91, s. 66 (2) par. 11.

Proceeds
not due
until
after
end of
year

- (*l*) for the purpose of computing the income of the new corporation for its first fiscal year and any subsequent fiscal year, any amount claimed under subclause iii of clause *a* of subsection 1 of section 42 in computing a predecessor corporation's gain for its last fiscal year from the disposition of any property shall be deemed,
- (i) to have been claimed under that subclause in computing the new corporation's gain for a fiscal year immediately preceding its first fiscal year from the disposition of that property by it before its first fiscal year, and
- (ii) to be the amount determined under subclause *i* of clause *a* of subsection 1 of section 42 in respect of that property; *New*.

Outlays
made
pursuant
to
warranty

- (*m*) for the purpose of section 44, any outlay or expense made or incurred by the new corporation in a fiscal year, pursuant to or by virtue of an obligation described in that section incurred by a predecessor corporation, that would, if the outlay or expense had been made or incurred by the predecessor corporation in that fiscal year, have been deemed to be a loss of the predecessor corporation for that fiscal year from the disposition of a capital property shall be deemed to be a loss of the new corporation for that fiscal year from the disposition of a capital property; *New*.

Expiry
of options
previously
granted

- (*n*) for the purpose of subsection 2 of section 51 any option granted by a predecessor corporation that expires after the amalgamation shall be deemed to have been granted by the new corporation, and any proceeds received by the predecessor corporation for the granting of the option shall be deemed to have been received by the new corporation therefor; *New*.

- (o) for the purpose of computing a deduction from the income of the new corporation for a fiscal year under section 61, any amount that has been included in computing the income of a predecessor corporation for its last fiscal year or a previous fiscal year by virtue of subsection 1 or 3 of section 59, or by virtue of subsection 15 or 16 of section 58 of *The Corporations Tax Act* as it read in its application to fiscal years prior to 1972, shall be deemed to have been included in computing the income of the new corporation for a previous fiscal year by virtue thereof; *New*. Consideration
for resource
property
disposition
R.S.O. 1970,
c. 91
- (p) for the purpose of computing the tax-paid undistributed surplus on hand of the new corporation at any time, where a predecessor corporation had tax-paid undistributed surplus on hand immediately before the amalgamation the amount thereof shall be added to the aggregate of the amounts determined under subclause i to iii of clause *k* of subsection 1 of section 83; *New*. Tax-paid
undistri-
buted
surplus
on hand
- (q) for the purpose of computing the 1971 capital surplus on hand of the new corporation at any time, there shall be added to the aggregate of the amounts determined under subclauses i to iv of clause *l* of subsection 1 of section 83 the amount, if any, by which, 1971
capital
surplus
on hand
- (i) the aggregate of amounts each of which is the 1971 capital surplus on hand, if any, of a predecessor corporation immediately before the amalgamation,
- exceeds,
- (ii) the aggregate of amounts each of which is the paid-up capital deficiency, if any, of a predecessor corporation immediately before the amalgamation; *New*.
- (r) for the purpose of computing the paid-up capital deficiency of the new corporation at any time, there shall be added to the aggregate of the amounts determined under subclauses i to iv of clause *d* of subsection 1 of section 83 the amount, if any, by which, Paid-up
capital
deficiency
- (i) the aggregate of amounts each of which is the paid-up capital deficiency, if any, of a

predecessor corporation immediately before the amalgamation,

exceeds,

- (ii) the aggregate of amounts each of which is the 1971 capital surplus on hand, if any, of a predecessor corporation immediately before the amalgamation; *New*.

Idem

- (s) for the purpose of computing the 1971 capital surplus on hand or the paid-up capital deficiency, as the case may be, of the new corporation, in determining any amount under subclause ii or vii of clause *l* of subsection 1 of section 83 any capital property owned by a predecessor corporation on December 31, 1971 that was acquired by the new corporation by virtue of the amalgamation shall be deemed to have been acquired by the new corporation before 1972 at an actual cost to it equal to the actual cost of the property to the predecessor corporation; *New*.

Charitable donations

- (t) for the purposes of clauses *a* and *b* of subsection 1 of section 98, gifts made by a predecessor corporation in its last fiscal year shall, to the extent that they were not deductible in computing its taxable income for that fiscal year, be deemed to have been made by the new corporation in a fiscal year immediately preceding its first fiscal year; R.S.O. 1970, c. 91, s. 66 (2) par. 7.

Losses

- (u) for the purpose of section 99, a non-capital loss, net capital loss or restricted farm loss of a predecessor corporation for a fiscal year is not deductible in computing the taxable income of the new corporation; R.S.O. 1970, c. 91, s. 66 (2) par. 8.

Taxable dividends

- (v) for the purposes of subsections 3 and 4 of section 100, where a share owned by a predecessor corporation has, by virtue of the amalgamation, been acquired by the new corporation any taxable dividend received on the share by the predecessor corporation that was deductible from the predecessor corporation's income for a fiscal year under section 100 shall be deemed to be a taxable dividend received by the new corporation that was deductible from the new corporation's income for a fiscal year under section 100; *New*.

Capital dividend account

- (w) in the case of a new corporation that is a private corporation, for the purposes of computing the

capital dividend account of the new corporation at any particular time,

- (i) one-half of the amount of any capital gain and one-half of the amount of any capital loss of any predecessor private corporation for any fiscal year commencing after it last became a private corporation and ending after 1971 and either before or at the time of the amalgamation shall, in the case of a capital gain, be included, and in the case of a capital loss, be deducted,
 - (ii) any amount that would, if the amalgamation had not occurred but if any fiscal year of a predecessor corporation that would otherwise have ended next after the amalgamation had ended immediately before the amalgamation, have been required by any of subclauses ii to iv of clause *b* of subsection 1 of section 83 to be included in computing the predecessor corporation's capital dividend account immediately after the amalgamation shall be included, and
 - (iii) any capital dividend that became payable by any predecessor corporation after it last became a private corporation and before the amalgamation shall be deducted; *New.*
- (x) in the case of a new corporation that is a mutual fund corporation, Mutual
fund
corporation
- (i) for the purpose of computing its capital gains dividend account at any time, where a predecessor mutual fund corporation had a capital gains dividend account immediately before the amalgamation the amount thereof shall be added to the amount determined under section 109, and
 - (ii) for the purpose of computing its refundable capital gains tax on hand at the end of any fiscal year, where a predecessor mutual fund corporation had refundable capital gains tax on hand immediately before the amalgamation the amount thereof shall be added to the amount determined under section 109; *New.*
- (y) for the purpose of section 192 of the *Income Tax Act* Application
of 1970-71, c. 63
(Can.)
Pt. VII
(Canada) except subsection 11 thereof, where a cor-

poration was controlled by a predecessor corporation immediately before the amalgamation and has, by virtue of the amalgamation, become controlled by the new corporation, the new corporation shall be deemed to have acquired control of the corporation so controlled at the time control thereof was acquired by the predecessor corporation; *New*.

Designated
surplus

1970-71, c. 63
(Can.)

(z) for the purpose of computing the designated surplus of the new corporation at any particular time, there shall be added to the aggregate of the amounts determined under subparagraphs i and ii of paragraph *a* of subsection 13 of section 192 of the *Income Tax Act* (Canada) or under subparagraphs i to iii of paragraph *b* of subsection 13 of section 192 of the *Income Tax Act* (Canada), as the case may be, the aggregate of amounts each of which is an amount in respect of a predecessor corporation, equal to,

(i) in any case where the predecessor corporation was, immediately before the amalgamation, controlled by a corporation that, immediately after the amalgamation and thereafter without interruption until the particular time, controlled the new corporation, its designated surplus immediately before the amalgamation, and

(ii) in any other case, the amount that its designated surplus would have been immediately before the amalgamation if control of the predecessor corporation had been acquired by another corporation immediately before the amalgamation; *New*.

1971
undistributed
income on
hand

(za) for the purpose of computing the 1971 undistributed income on hand of the new corporation at any time, except as that computation applies for the purpose of determining the designated surplus of the new corporation at any time, where a predecessor corporation had 1971 undistributed income on hand immediately before the amalgamation the amount thereof shall be added to the aggregate of the amounts determined under paragraphs *a*, *b* and *c* of subsection 4 of section 196 of the *Income Tax Act* (Canada). *New*.

Where
share of
predecessor
corporation
owned by
another
such
corporation

(3) Where there has been an amalgamation of two or more corporations after 1971 and, immediately before the amalgamation, one of the predecessor corporations, in this subsection referred to as the "owner corporation", owned any share of

the capital stock of another of the predecessor corporations, the following rules apply,

- (a) for the purpose of computing the paid-up capital deficiency of the new corporation at any time, the amount, if any, by which the paid-up capital in respect of the share immediately before the amalgamation exceeds the adjusted cost base of the share to the owner corporation immediately before the amalgamation shall be added to the aggregate of the amounts determined under subclauses i to iv of clause *d* of subsection 1 of section 83; and
- (b) for the purpose of computing the post-1971 undistributed surplus on hand, within the meaning given to that expression by subsection 15 of section 192 of the *Income Tax Act* (Canada), of the new corporation at any time, the amount, if any, by which the adjusted cost base of the share to the owner corporation immediately before the amalgamation exceeds the paid-up capital in respect of the share immediately before the amalgamation shall be added to the aggregate of the amounts determined under paragraphs *a* to *d* of subsection 15 of section 192 of the *Income Tax Act* (Canada). *New.*

(4) Where there has been an amalgamation of two or more corporations after 1971, for the purpose of computing the income of each shareholder, except any predecessor corporation, who owned one or more shares of the capital stock of a predecessor corporation immediately before the amalgamation, the following rules apply,

Rules applicable for computing income of shareholder of predecessor corporation

- (a) where the shareholder owned one or more preferred shares of any class of the capital stock of the predecessor corporation immediately before the amalgamation and received no consideration for the disposition of those shares on the amalgamation other than one or more preferred shares of a class of the capital stock of the new corporation having substantially the same rights and conditions attaching thereto, determined without regard to any voting rights attaching to any shares, as attached to the shares of the predecessor corporation so disposed of by him,
 - (i) the shareholder shall be deemed to have disposed of the preferred shares of the class of the capital stock of the predecessor corporation so disposed of by him on the amalgamation, for proceeds equal to the adjusted cost base

to him of those shares immediately before the amalgamation, and

- (ii) he shall be deemed to have acquired the preferred shares of the class of the capital stock of the new corporation so acquired by him as consideration for the disposition of the preferred shares described in subclause i, at a cost to him equal to the proceeds described in that subclause; and

(b) where,

- (i) the shareholder owned one or more common shares of the capital stock of the predecessor corporation immediately before the amalgamation,
- (ii) none of the persons, except any predecessor corporation, who owned one or more of the common shares of the capital stock of the predecessor corporation immediately before the amalgamation received any consideration for the disposition of those shares on the amalgamation, other than one or more shares of the capital stock of the new corporation, and

(iii) either,

- (A) the persons, except any predecessor corporation, who together owned all of the common shares of the capital stock of the predecessor corporation immediately before the amalgamation together received as consideration for the disposition of those shares on the amalgamation not less than 25 per cent of the shares of each particular class of the issued common shares of the capital stock of the new corporation immediately after the amalgamation,

or,

(B) in any case where,

1. the shareholder owned one or more of the common shares of the capital stock of one or more

other predecessor corporations immediately before the amalgamation, and

2. none of the persons, except any predecessor corporation, who owned one or more of the common shares of the capital stock of such one or more other predecessor corporations immediately before the amalgamation received any consideration for the disposition of those shares on the amalgamation other than one or more shares of the capital stock of the new corporation,

the shareholder received on the amalgamation, as consideration for the disposition of the common shares of the capital stock of the predecessor corporation and of such one or more other predecessor corporations owned by him immediately before the amalgamation, not less than 80 per cent of the shares of each particular class of the issued common shares of the capital stock of the new corporation immediately after the amalgamation,

the shareholder,

- (iv) shall be deemed to have disposed of the common shares of the capital stock of the predecessor corporation so disposed of by him on the amalgamation, for proceeds equal to the adjusted cost base to him of those shares immediately before the amalgamation, and
- (v) shall be deemed to have acquired the shares of any particular class of the capital stock of the new corporation so acquired by him as consideration for the disposition of the common shares described in subclause iv, at a cost to him equal to that proportion of the proceeds described in subclause iv that,
 - (A) the fair market value, immediately after the amalgamation, of all shares of that particular class so acquired by him,

is of,

- (B) the fair market value, immediately after the amalgamation, of all of the shares of the capital stock of the new corporation so acquired by him as consideration for the disposition of the common shares described in subclause iv. *New.*

Percentage
of shares
received
by share-
holders of
predecessor
corporation

(5) For the purposes of sub-subclause A of subclause iii of clause *b* of subsection 4, the percentage of the shares of any particular class of the issued common shares of the capital stock of the new corporation immediately after the amalgamation received as described in that sub-subclause by the persons, except any predecessor corporation, who together owned all of the common shares of the capital stock of a particular predecessor corporation shall be deemed to be,

- (a) the percentage thereof otherwise determined,

plus,

- (b) that proportion of the percentage described in clause *a* that,

- (i) the fair market value of the issued common shares of the capital stock of the particular predecessor corporation owned by all other predecessor corporations immediately before the amalgamation,

is of,

- (ii) the fair market value of the issued common shares of the capital stock of the particular predecessor corporation owned by all persons, except any predecessor corporation, immediately before the amalgamation. *New.*

Canadian
exploration
and develop-
ment
expenses

(6) Where there has been an amalgamation of two or more corporations after 1971 and the new corporation is a principal-business corporation within the meaning given to that expression by subsection 12 of section 63, there may be deducted by the new corporation in computing its income for a fiscal year the aggregate of the following amounts in respect of expenses incurred by predecessor corporations, namely, in respect of each individual predecessor corporation, the amount that is the lesser of,

- (a) the aggregate of the Canadian exploration and development expenses, within the meaning given to that expres-

sion by subsection 12 of section 63, incurred by the predecessor corporation to the extent that such expenses,

- (i) were not deductible by the new corporation in computing its income for a previous fiscal year, and were not deductible by the predecessor corporation in computing its income for its last fiscal year or for a previous fiscal year, and
 - (ii) would, but for clause *b* of subsection 1 of section 63, have been deductible by the predecessor corporation in computing its income for its last fiscal year, and
- (b) of the aggregate determined under clause *a*, an amount equal to such part of the income of the new corporation for the year if no deduction were allowed under this section, section 62 or section 63, minus any deductions allowed for the fiscal year by section 100 as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells, or the production of minerals from mines, situated on property in Canada from which the predecessor corporation had, immediately before the amalgamation, a right to take or remove petroleum or natural gas or a right to take or remove minerals,

and no amount in respect of expenses of the predecessor corporation included in the aggregate determined under clause *a* shall where subsection 15 of section 192 of the *Income Tax Act* (Canada) is being applied to determine for the purposes of clause *z* of subsection 2 of this section the designated surplus of the predecessor corporation immediately before the amalgamation, be included in the amount or amounts deductible under any paragraph of subsection 15 of section 192 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 66 (2), par. 13, (3), *amended*. ^{1970-71, c. 63 (Can.)}

82. Where a Canadian corporation, in this section referred to as the "subsidiary", has been wound up after 1971 and all of the issued shares of the capital stock thereof were, immediately before the winding-up, owned by another Canadian corporation, in this section referred to as the "parent", notwithstanding any other provisions of this Act the following rules apply, ^{Winding-up of wholly-owned Canadian corporation}

- (a) each property of the subsidiary that was distributed to the parent on the winding-up shall be deemed to have been disposed of by the subsidiary for proceeds equal to,
 - (i) in the case of any property described in subsection 2 of section 59, nil, and
 - (ii) in the case of any other property, the cost amount to the subsidiary of the property immediately before the winding-up;
- (b) the shares of the capital stock of the subsidiary shall be deemed to have been disposed of by the parent on the winding-up for proceeds equal to the greater of,
 - (i) the lesser of the paid-up capital limit of the subsidiary immediately before the winding-up and the amount determined under subclause i of clause *d*, and
 - (ii) the aggregate of amounts each of which is an amount in respect of any share of the capital stock of the subsidiary so disposed of by the parent on the winding-up, equal to the adjusted cost base to the parent of the share immediately before the winding-up;
- (c) the cost to the parent of each property of the subsidiary distributed to the parent on the winding-up shall be deemed to be the amount deemed by clause *a* to be the proceeds of disposition of the property, plus, where the property was a capital property, other than depreciable property, of the subsidiary, the amount determined under clause *d* in respect thereof;
- (d) the amount determined under this clause in respect of each property that was a capital property, other than depreciable property, of the subsidiary is such portion of the amount, if any, by which the aggregate determined under subclause ii of clause *b* exceeds,
 - (i) the amount, if any, by which,
 - (A) the aggregate of amounts each of which is an amount in respect of any property owned by the subsidiary immediately before the winding-up, equal to the cost

amount to the subsidiary of the property immediately before the winding-up, plus the amount of any money of the subsidiary on hand immediately before the winding-up,

exceeds

- (B) the aggregate of amounts each of which is the amount of any debt owing by the subsidiary, or of any other obligation of the subsidiary to pay any amount, that was outstanding immediately before the winding-up,

as is designated by the parent in respect of that capital property in its return for its fiscal year in which the subsidiary was so wound up, except that,

- (ii) in no case shall the amount so designated in respect of any such capital property exceed the amount, if any, by which the fair market value of the property immediately before the winding-up exceeds the cost amount to the subsidiary of the property immediately before the winding-up, and
 - (iii) in no case shall the aggregate of amounts so designated in respect of all such capital properties exceed the amount, if any, by which the aggregate determined under subclause ii of clause *b* exceeds the amount determined under subclause i;
- (e) the subsidiary shall be deemed to have paid and the parent shall be deemed to have received, immediately before the winding-up, a dividend on the shares of the capital stock of the subsidiary equal to the amount, if any, by which the amount determined under subclause i of clause *d* exceeds the paid-up capital limit of the subsidiary immediately before the winding-up; and
- (f) where property that was depreciable property of a prescribed class of the subsidiary has been distributed to the parent on the winding-up and the capital cost to the subsidiary of the property exceeds the amount deemed by clause *a* to be the subsidiary's proceeds of disposition thereof, for the purposes of sections

17 and 24 and any regulations made under clause *a* of subsection 1 of section 24,

- (i) notwithstanding clause *c* the capital cost to the parent of the property shall be deemed to be the amount that was the capital cost thereof to the subsidiary, and
- (ii) the excess shall be deemed to have been allowed to the parent in respect of the property under regulations made under clause *a* of subsection 1 of section 24 in computing income for fiscal years before the acquisition by the parent of the property. *New.*

83.—(1) In this Subdivision,

Interpre-
tation

(a) “Canadian corporation” at any time means a corporation that was resident in Canada at that time and was,

(i) incorporated in Canada, or

(ii) resident in Canada throughout the period commencing June 18, 1971 and ending at that time,

except that for the purposes of subsection 1 of section 77 a corporation that was incorporated in Canada before April 27, 1965 and that was not resident in Canada at the end of 1971 shall be deemed not to be a Canadian corporation; R.S.O. 1970, c. 91, s. 1 (1) par. 8.

(b) “capital dividend account” of a corporation at any particular time means the amount, if any, by which the aggregate of,

(i) one-half of the amount, if any, by which the aggregate of the capital gains of the corporation, for fiscal years in the period commencing with the first fiscal year commencing after the time the corporation last became a private corporation and ending after 1971, and ending with the last fiscal year ending before the particular time, exceeds the aggregate of its capital losses for those fiscal years,

- (ii) all amounts each of which is an amount in respect of a dividend received by the corporation on a share of the capital stock of another corporation in the period, which amount was, by virtue of subsection 2 of section 77, not included in computing the income of the corporation,
- (iii) all amounts each of which is an amount in respect of a business carried on by the corporation at any time in the period, equal to the amount, if any, by which,

- (A) the aggregate of the eligible capital amounts, within the meaning given to that expression by subsection 1 of section 18, in respect of the business that became payable to the corporation in the period,

exceeds the aggregate of,

- (B) the cumulative eligible capital of the corporation in respect of the business at the commencement of the period, and
 - (C) one-half of the aggregate of the eligible capital expenditures in respect of the business that were made or incurred by the corporation in the period, and

- (iv) the amount, if any, by which,

- (A) the proceeds of any life insurance policy received by the corporation in the period and after 1971 in consequence of the death of any person whose life was insured under the policy,

exceeds

- (B) all amounts paid as or on account of premiums paid under the policy,

exceeds the aggregate of all capital dividends that became payable by the corporation after the commencement of the period and before the particular time; *New*.

- (c) "paid-up capital" in respect of a share of any class of the capital stock of a corporation at any particular

time means an amount equal to the paid-up capital of the corporation at that time that is represented by the shares of the class to which that share belongs, divided by the number of issued shares of that class then outstanding; R.S.O. 1970, c. 91, s. 2 (2) (g).

(d) “paid-up capital deficiency” of a corporation at any particular time means the amount, if any, by which the aggregate of,

- (i) the amounts determined under subclauses v and vi of clause *l* in respect of the corporation,
- (ii) all amounts determined under subclauses vii and viii of clause *l* in respect of the corporation at the particular time,
- (iii) the paid-up capital at the particular time in respect of any shares of the capital stock of the corporation issued after 1971 that were received by a person as described in subsection 1 of section 37, and
- (iv) where subsection 1 or 2 of section 79 has been applicable in respect of any disposition of property to the corporation before the particular time, the amount, if any, by which,

(A) the amount by which any increase, by virtue of the disposition, in the paid-up capital of the corporation exceeds any increase, by virtue of the disposition, in the value of its assets, determined as though the value of any property so transferred were its cost to the corporation for the purposes of this Part and as though this Part were read without reference to subsection 5 of section 79, less its liabilities,

exceeds

(B) the amount by which any increase, by virtue of the disposition, in the paid-up capital of the corporation exceeds any increase, by virtue of the disposition, in the value of its assets less its liabilities,

exceeds the aggregate of,

- (v) the tax equity of the corporation at the end of its 1971 fiscal year,
 - (vi) all amounts determined under subclauses ii, iii, iv and iv.1 of clause *l* in respect of the corporation at the particular time,
 - (vii) all amounts each of which is an amount deemed by subsection 2, 3, or 4 of section 78 to be a dividend paid before the particular time by the corporation on shares of any class, to the extent of the amount, if any, by which the paid-up capital in respect of the shares of that class at the time the dividend was paid exceeds the paid-up capital limit of the corporation at the time the dividend was paid,
 - (viii) all amounts each of which is an amount in respect of a reduction of the paid-up capital of the corporation after its 1971 fiscal year and before the particular time, equal to the amount, if any, by which the amount of the reduction exceeds the aggregate of amounts paid by it to its shareholders on the reduction,
 - (ix) all business losses, within the meaning of *The Corporations Tax Act* as it read in its application to the fiscal years prior to 1972, sustained by the corporation in fiscal years ending before 1972, to the extent that such losses have been deducted under clause *a* of subsection 1 of section 99 from the corporation's income for any fiscal year ending after 1971 and before the particular time, and
 - (x) all amounts each of which is an amount in respect of any purchase by the corporation before the particular time of any shares of its capital stock in respect of which tax under section 181 of the *Income Tax Act* (Canada) is payable by it, equal to the amount, if any, by which the amount described in paragraph *a* of subsection 1 of section 181 of that Act in respect of the purchase exceeds the amount described in paragraph *b* of subsection 1 of section 181 of that Act in respect thereof; *New*.
- (e) "paid-up capital limit" of a corporation at any particular time means the amount, if any, by which the paid-up capital of the corporation at that time

in respect of all of the shares of its capital stock exceeds the corporation's paid-up capital deficiency at that time; *New*.

- (f) "private corporation" at any particular time means a corporation that, at the particular time, was resident in Canada, was not a public corporation, and was not controlled, directly or indirectly in any manner whatever, by one or more public corporations; and for greater certainty for the purposes of determining, at any particular time, when a corporation last became a private corporation,
 - (i) a corporation that was a private corporation at the commencement of its 1972 fiscal year and thereafter without interruption until the particular time shall be deemed to have last become a private corporation at the end of its 1971 fiscal year, and
 - (ii) a corporation incorporated after 1971 that was a private corporation at the time of its incorporation and thereafter without interruption until the particular time shall be deemed to have last become a private corporation immediately before the time of its incorporation; *New*.
- (g) "public corporation" at any particular time means a corporation that was resident in Canada at the particular time, if,
 - (i) at the particular time, a class or classes of shares of the capital stock of the corporation were listed on a prescribed stock exchange in Canada,
 - (ii) at any time after June 18, 1971 and,
 - (A) before the particular time, it elected in the prescribed manner to be a public corporation, and at the time of the election it complied with the prescribed conditions relating to the number of its shareholders, dispersal of ownership of its shares, public trading of its shares and size of the corporation, or
 - (B) before a day thirty days before the particular time, it was, by notice in

writing to the corporation, designated by the Minister of National Revenue for Canada to be a public corporation, and at the time it was so designated it complied with the conditions referred to in sub-subclause A,

unless subsequent to the election or designation, as the case may be, and before the particular time, it ceased to be a public corporation by virtue of subclause iii, or

- (iii) at any time after June 18, 1971 and before the particular time, it was a public corporation, unless after the time it last became a public corporation and,

- (A) before the particular time, it elected in the prescribed manner not to be a public corporation, and at the time it so elected it complied with the prescribed conditions relating to the number of its shareholders, dispersal of ownership of its shares and public trading of its shares, or

- (B) before a day thirty days before the particular time, it was, by notice in writing to the corporation, designated by the Minister of National Revenue for Canada not to be a public corporation, and at the time it was so designated it complied with the conditions referred to in sub-subclause A,

in which case it shall be deemed thereupon to have ceased to be a public corporation;
New.

- (h) "tax equity" of a corporation at the end of its 1971 fiscal year means the amount, if any, by which the aggregate of all amounts each of which is,
 - (i) an amount in respect of depreciable property of a prescribed class owned by the corporation immediately after that time, equal to the un depreciated capital cost thereof to the corporation at that time,

- (ii) an amount in respect of any other depreciable property owned by the corporation at that time, equal to the amount by which,

- (A) the actual cost of the property to the corporation, or the amount at which it was deemed to have acquired the property under subsection 8 of section 32 of *The Corporations Tax Act* as it read in its application to the fiscal years prior to 1972, as the case may be,

R.S.O. 1970, c. 91

exceeds

- (B) the aggregate of amounts in respect of the cost of the property that were allowed under clause *a* of subsection 2 of section 23 of *The Corporations Tax Act* as it read in computing the income of the corporation for fiscal years ending before 1972,
- (iii) an amount in respect of any capital property, other than depreciable property, owned by the corporation at that time, equal to its cost to the corporation, determined without reference to the *Corporations Tax Application Rules, 1972*, minus any amounts in respect of the cost thereof deducted in computing the income of the corporation under Part III of *The Corporations Tax Act* as it read in its application to fiscal years prior to 1972,
- (iv) an amount in respect of property owned by the corporation and described in its inventory at that time equal to its value, at that time, for the purposes of computing the income of the corporation under Part III of *The Corporations Tax Act* as it read in its application to fiscal years prior to 1972,
- (v) the amount of any debt owing to the corporation, other than any debt the amount of which was included in computing the corporation's income for its 1971 fiscal year and deducted in computing that income under clause *m* of subsection 1 of section 23 of *The Corporations Tax Act* as it read in its application to fiscal years prior to 1972, or of any other right of the corporation to receive an amount, that was outstanding at that time,

minus such portion thereof as was not but would have been, if the amount had been received by the corporation in its 1971 fiscal year, included in computing its income for that fiscal year,

- (vi) the amount of any money of the corporation on hand at that time, or
- (vii) such part, if any, of,
 - (A) the cost to the corporation of any property, other than property described in subclauses i to v, owned by the corporation at that time, or
 - (B) any expenditure incurred by the corporation, other than an expenditure to acquire property, before that time,

as was not deductible in computing the corporation's income for the 1971 or any previous fiscal year for the purposes of Part III of *The Corporations Tax Act* as it read in its application to that fiscal year, but would have been deductible in computing its income for the 1971 fiscal year if *The Corporations Tax Act* as it read in its application to that fiscal year had been read without reference to any restriction on the quantum of any deduction thereunder, ^{R.S.O. 1970, c. 91}

exceeds the aggregate of all amounts each of which is,

- (viii) the amount of any debt owing by the corporation or of any other obligation of the corporation to pay an amount, that was outstanding at that time, minus such part, if any, thereof as would be, if the amount were paid by the corporation in its 1972 fiscal year, deductible in computing its income for its 1972 fiscal year, or
 - (ix) the amount of any reserve deducted in computing the corporation's income for its 1971 fiscal year under Part III of *The Corporations Tax Act* as it read in its application to that fiscal year; *New*.
- (i) "taxable Canadian corporation" means a corporation that,

1970-71, c. 63
(Can.)

- (i) was a Canadian corporation at the time any dividend in respect of which the expression is relevant was received or deemed to have been received, and
- (ii) was not, by virtue of a statutory provision, exempt from tax under Part I of the *Income Tax Act* (Canada) for the fiscal year of the corporation during which the dividend was received or deemed to have been received; *New*.
- (j) “taxable dividend” means a dividend in respect of which the corporation paying the dividend has not elected in accordance with section 83 of the *Income Tax Act* (Canada) in respect of the full amount thereof; *New*.
- (k) “tax-paid undistributed surplus on hand” of a corporation at any particular time means the amount, if any, by which the aggregate of,
 - (i) the lesser of,
 - (A) the amount that the corporation’s tax-paid undistributed income, within the meaning of the *Income Tax Act* (Canada) as it read in its application to the 1971 fiscal year, would be, if that Act as it so read were applicable to the period consisting of that part of the corporation’s 1972 fiscal year that is before 1972, as of the end of 1971, and
 - (B) the amount that the corporation’s 1971 undistributed income on hand, as determined for purposes of the *Income Tax Act* (Canada), would be on January 1, 1972 if subsection 4 of section 196 of the *Income Tax Act* (Canada) were read without reference to paragraph d thereof,
 - (ii) all amounts on which, before the particular time, tax has been paid by the corporation under Part IX of the *Income Tax Act* (Canada), minus all amounts of that tax, and
 - (iii) all amounts each of which is an amount in respect of a dividend received by the corporation on a share of any class of the

capital stock of another corporation after 1971 and before the particular time, equal to the amount, if any, by which,

- (A) that proportion of such part of the whole dividend paid by the other corporation on all shares of that class at the time it paid the dividend so received by the corporation as was payable out of the other corporation's tax-paid undistributed surplus on hand, that the dividend so received by the corporation is of the whole dividend so paid by the other corporation,

exceeds

- (B) 85/15 of the amount, if any, that the Minister of National Revenue for Canada was, before the particular time, required by subsection 2 of section 196 of the *Income Tax Act* (Canada) to pay to the corporation in respect of the dividend so received by it,

1970-71, c. 63
(Can.)

exceeds the aggregate of such of the dividends that became payable by the corporation before the particular time as were payable out of the corporation's tax-paid undistributed surplus on hand; and, *New*.

- (l) "1971 capital surplus on hand" of a corporation at any particular time means the amount, if any, by which the aggregate of,
 - (i) the tax equity of the corporation at the end of its 1971 fiscal year,
 - (ii) all amounts each of which is an amount in respect of a capital property of the corporation owned by it on December 31, 1971 and disposed of by it after that date and before the particular time, equal to the amount, if any, by which the lesser of its fair market value on the day fixed by proclamation for the purposes of Subdivision B and the corporation's proceeds of disposition thereof exceeds its actual cost to the corporation determined without reference to the *Corporations Tax Application Rules, 1972*,

- (iii) all amounts each of which is an amount in respect of a capital property owned by it at the end of its 1971 fiscal year or acquired by it thereafter and disposed of by the corporation before 1972, equal to the amount, if any, by which the corporation's proceeds of disposition thereof exceeds its actual cost to the corporation determined without reference to the *Corporations Tax Application Rules, 1972*,
- (iv) all amounts each of which is an amount in respect of a dividend received by the corporation on a share of the capital stock of another corporation after 1971 and before the particular time, which amount was, by virtue of subsection 1 of section 77, not included in computing the income of the corporation by virtue of this Subdivision, minus such portion, if any, of that amount as was payable out of the other corporation's tax-paid undistributed surplus on hand, and
- (iv.1) all amounts each of which is an amount in respect of an eligible capital amount, within the meaning given to that expression by subsection 1 of section 18, in respect of a business carried on by the corporation that became payable to the corporation in a fiscal year commencing after the time the corporation last became a private corporation and ending before the particular time, equal to the amount, if any, by which,
 - (A) the amount that the eligible capital amount would be but for the provisions of the *Corporations Tax Application Rules, 1972* relating to section 18, exceeds
 - (B) the eligible capital amount,exceeds the aggregate of,
- (v) the paid-up capital of the corporation at the end of its 1971 fiscal year in respect of all of the shares of its capital stock,
- (vi) the amount that the corporation's undistributed income on hand, within the meaning given to that expression by the *Income Tax Act* (Canada) as it read in its application to the 1971

fiscal year, would be at the end of its 1971 fiscal year if,

- (A) that Act as it so read were read without reference to subparagraph iii of paragraph *a* of subsection 1 of section 82 thereof, and
- (B) references in paragraph *a* of subsection 1 of section 82 of that Act, except subparagraph A of subparagraph vii, thereof to "1917" were read as references to "1950",
- (vii) all amounts each of which is an amount in respect of a capital property, other than depreciable property, of the corporation owned by it on December 31, 1971 and disposed of by it after that date and before the particular time, equal to the amount, if any, by which its actual cost to the corporation determined without reference to the *Corporations Tax Application Rules, 1972* exceeds the greater of the fair market value of the property on the day fixed by proclamation for the purposes of Subdivision B and the corporation's proceeds of disposition thereof,
- (viii) all amounts each of which is an amount in respect of a capital property, other than depreciable property, owned by it at the end of its 1971 fiscal year or acquired by it thereafter and disposed of by it before 1972, equal to the amount, if any, by which its actual cost to the corporation determined without reference to the *Corporations Tax Application Rules, 1972* exceeds the corporation's proceeds of disposition thereof, and
- (ix) all amounts each of which is an amount in respect of a dividend that became payable by the corporation before the particular time, equal to the portion, if any, thereof payable out of its 1971 capital surplus on hand. *New.*

(1*a*) In subsection 1, "the day fixed by proclamation for the purposes of Subdivision B" is the day fixed by proclamation for the purposes of Subdivision *c* of Division B of Part I of the *Income Tax Act* (Canada). *New.*

Day fixed by proclamation 1970-71, c. 63 (Can.)

(2) Notwithstanding clause *l* of subsection 1, a life insurance corporation's 1971 capital surplus on hand at any particular time is the amount, if any, by which the aggregate of

1971 capital surplus on hand of life insurance corporation

- (a) all amounts each of which is an amount in respect of any property disposed of by the corporation after 1968 and before 1972 that would, if the property had been disposed of after 1972, have been a capital property of the corporation, equal to the amount, if any, by which the proceeds of disposition of the property exceed the cost to the corporation thereof; and
- (b) the amount determined under subclause ii of clause *l* of subsection 1 in respect of the corporation at the particular time,

exceeds the aggregate of,

- (c) all amounts each of which is an amount in respect of any property described in clause *a*, equal to the amount, if any, by which the cost to the corporation of the property exceeds the proceeds of disposition thereof;
- (d) the amount determined under subclause vii of clause *l* of subsection 1 in respect of the corporation at the particular time; and
- (e) all amounts each of which is an amount in respect of a dividend that became payable by the corporation before the particular time, equal to the portion, if any, thereof payable out of its 1971 capital surplus on hand. *New.*

SUBDIVISION H—SHAREHOLDERS OF CORPORATIONS NOT RESIDENT IN CANADA

Dividends
received
from non-
resident
corporation

84. In computing the income for a fiscal year of a corporation resident in Canada, there shall be included any amounts received by the corporation in the fiscal year as, on account or in lieu of payment of, or in satisfaction of, dividends on a share owned by it of the capital stock of a corporation not resident in Canada. *New.*

SUBDIVISION I—PARTNERSHIPS AND THEIR MEMBERS

General
rules

85.—(1) Where a corporation is a member of a partnership, its income, net capital loss, non-capital loss and restricted farm loss, if any, for a fiscal year, or its taxable income earned in Canada for a fiscal year, as the case may be, shall be computed as if,

- (a) the partnership were a separate person resident in Canada;
- (b) the taxation year of the partnership were its fiscal year;
- (c) each partnership activity, including the ownership of property, were carried on by the partnership as a separate person, and a computation were made of the amount of,
 - (i) each taxable capital gain and allowable capital loss of the partnership from the disposition of property, and
 - (ii) each income and loss of the partnership from each other source or from sources in a particular place,

for each fiscal year of the partnership;

- (d) each income or loss of the partnership for a fiscal year were computed as if no deduction were permitted by subsection 1 of section 62, section 63 or the provisions of the *Corporations Tax Application Rules, 1972* relating to exploration and development expenses;
- (e) each gain of the partnership from the disposition of land used in a farming business of the partnership were computed as if this Act were read without reference to clause *h* of subsection 1 of section 55;
- (f) the amount of the income of the partnership for a fiscal year from any source or from sources in a particular place were the income of the corporation from that source or from sources in that particular place, as the case may be, for the fiscal year of the corporation in which the partnership's fiscal year ends, to the extent of the corporation's share thereof; and
- (g) the amount of the loss of the partnership for a fiscal year from any source or from sources in a particular place were the loss of the corporation from that source or from sources in that particular place, as the case may be, for the fiscal year of the corporation in which the partnership's fiscal year ends, to the extent of the corporation's share thereof.

Construction (2) The provisions of this Subdivision shall be read and construed as if each of the assumptions in clauses *a* to *g* of subsection 1 were made. *New.*

Contribution
of property
to
partnership

86.—(1) Where at any time after 1971 a partnership has acquired property from a person who was, immediately after that time, a member of the partnership, the partnership shall be deemed to have acquired the property at an amount equal to its fair market value at that time and the person shall be deemed to have disposed of the property for proceeds equal to that fair market value. *New.*

Rules
applicable
where
election
by partners

(2) Notwithstanding any other provision of this Act, where at any time after 1971 a Canadian partnership has acquired property from a person who was, immediately after that time, a member of the partnership, if all the persons who immediately after that time were members of the partnership have jointly so elected in respect of the property in the prescribed form and within the prescribed time, the following rules apply:

- (a) the amount that all of those persons have agreed upon in their election in respect of the property shall be deemed to be the person's proceeds of disposition of the property and the amount for which the partnership acquired the property;
- (b) the amount, if any, by which the amount so elected in respect of the property exceeds the amount of the consideration, other than an interest in the partnership, received by the person for the property shall,
 - (i) if immediately before that time the person was a member of the partnership, be included in computing the adjusted cost base to him of his interest in the partnership, and
 - (ii) in any other case, be included in computing the cost to him of his interest in the partnership;
- (c) where the amount that all of those persons have agreed upon in their election in respect of the property is greater than the fair market value, at the time of the disposition, of the property so disposed of, the amount so agreed upon shall, irrespective of the amount actually so agreed upon, be deemed to be an amount equal to that fair market value; and

- (d) notwithstanding clause c, where the amount that all of those persons have agreed upon in their election in respect of the property is less than the amount of the consideration, other than an interest in the partnership, received by the person for the property, the amount so agreed upon shall, irrespective of the amount so agreed upon, be deemed to be an amount equal to the amount of that consideration. *New.*

(3) Where at any time after 1971 a partnership has acquired property from a person who was, immediately after the acquisition, a member of the partnership, and,

Where
property
acquired from
majority
interest
partner

- (a) the person's share, as a member of the partnership, of the income of the partnership from any source for the fiscal year of the partnership in which the property was acquired exceeds one-half of the income of the partnership from that source for the fiscal year; or
- (b) the amount that would, if the partnership were wound up immediately after the acquisition, be paid to the person as a member of the partnership, otherwise than as his share of any income of the partnership, exceeds one-half of the aggregate of all such amounts that would be so paid to all persons as members of the partnership,

the loss, if any, of the person arising from the acquisition of the property by the partnership,

- (c) is, notwithstanding any other provision of this Act, not deductible in computing the income, net capital loss, non-capital loss or restricted farm loss, if any, of the person for any fiscal year; and

(d) shall,

- (i) where immediately before that time the person was a member of the partnership, be included in computing the adjusted cost base to him of his interest in the partnership, and
- (ii) in any other case, be included in computing the cost to him of his interest in the partnership. *New.*

(4) Where subsection 2 has been applicable in respect of the acquisition of any depreciable property by a partnership from a person who was, immediately after he disposed of

Where
capital
cost to
partner
exceeds
proceeds of
disposition

the property, a member of the partnership and the capital cost to the person of the property exceeds his proceeds of the disposition, for the purposes of sections 17 and 24 and any regulations made under clause *a* of subsection 1 of section 24,

- (a) the capital cost to the partnership of the property shall be deemed to be the amount that was the capital cost thereof to the person; and
- (b) the excess shall be deemed to have been allowed to the partnership in respect of the property under regulations made under clause *a* of subsection 1 of section 24 in computing income for fiscal years before the acquisition by the partnership of the property. *New.*

Disposition
of partner-
ship property

87.—(1) For the purposes of this Act, notwithstanding that at any time after 1971 a partnership would, but for this subsection, be regarded as having ceased to exist,

- (a) until such time as all of the partnership property and any property substituted therefor has been distributed to the persons entitled by law to receive it, the partnership shall be deemed not to have ceased to exist, and each person who was a partner shall be deemed not to have ceased to be a partner; and
- (b) the right of each such person to share in such property shall be deemed to be an interest in the partnership. *New.*

Continuing
partnership
interest

(2) Where at any time after 1971 a person would, but for this subsection, be regarded as having ceased to be a member of a partnership of which he was a member immediately before that time,

- (a) until such time as all rights to receive any property of or from the partnership in satisfaction of the person's interest in the partnership immediately before that time are satisfied in full, such interest, in this subsection referred to as a "continuing partnership interest", shall, notwithstanding any other provision of this Act, be deemed not to have been disposed of by the person and to continue to be an interest in the partnership;
- (b) a person who has a continuing partnership interest in the partnership shall, for the purposes of this Act, except subsections 2 to 4 of section 86, subsections 3

to 6 of this section, section 89, and section 91, be deemed to be a member of the partnership in respect of his continuing partnership interest therein; and

- (c) in its application to any property that is a continuing partnership interest in the partnership, clause *a* of subsection 3 of section 42 shall be read without reference to the words, "except clause *b* thereof", therein. *New.*

(3) Subject to subsection 3 of section 79 and subsection 4 ^{Deemed proceeds} of this section, where at any time after 1971 a partnership has disposed of property to a person who was, immediately before that time, a member of the partnership, the partnership shall be deemed to have disposed of the property for proceeds equal to its fair market value at that time and the person shall be deemed to have acquired the property at an amount equal to that fair market value. *New.*

(4) Where at any particular time after 1971 a Canadian ^{Rules applicable where partnership ceases to exist} partnership has ceased to exist and all of the partnership property has been distributed to persons who were members of the partnership immediately before that time so that immediately after that time each such person has, in each such property, an undivided interest that, when expressed as a percentage, in this subsection referred to as that person's "percentage", of all of the undivided interests in the property, is equal to his undivided interest, when so expressed, in each other such property, if each such person has jointly so elected in respect of the property in the prescribed form and within the prescribed time, the following rules apply:

- (a) each such person's proceeds of the disposition of his interest in the partnership shall be deemed to be an amount equal to the greater of,
- (i) the adjusted cost base to him, immediately before the particular time, of his interest in the partnership, and
 - (ii) the amount of any money received by him on the cessation of the partnership's existence, plus his percentage of the aggregate of amounts each of which is the cost amount to the partnership of each such property immediately before its distribution;
- (b) the cost to each such person of his undivided interest in each such property shall be deemed to be an amount equal to,

- (i) his percentage of the cost amount to the partnership of the property immediately before its distribution,
- plus,
- (ii) where the amount determined under subclause i of clause *a* exceeds the amount determined under subclause ii of clause *a*, the amount determined under clause *c* or *d*, as the case may be, in respect of his undivided interest in the property;
- (c) the amount determined under this clause in respect of each such person's undivided interest in each such property that was a capital property, other than depreciable property, of the partnership is such portion of the excess, if any, described in subclause ii of clause *b* as is designated by him in respect of the property, except that,
- (i) in no case shall the amount so designated in respect of his undivided interest in any such property exceed the amount, if any, by which his percentage of the fair market value of the property immediately after its distribution exceeds his percentage of the cost amount to the partnership of the property immediately before its distribution, and
 - (ii) in no case shall the aggregate of amounts so designated in respect of his undivided interests in all such capital properties, other than depreciable property, exceed the excess, if any, described in subclause ii of clause *b*;
- (d) the amount determined under this clause in respect of each such person's undivided interest in each such property that was depreciable property or a property other than a capital property of the partnership is such portion of,
- (i) the amount, if any, by which the excess, if any, described in subclause ii of clause *b* exceeds the aggregate of amounts designated by him under clause *c* in respect of his undivided interests in all such capital properties, other than depreciable property,

as is designated by him in respect of the property, except that,

- (ii) in no case shall the amount so designated in respect of his undivided interest in any such property exceed the amount, if any, by which his percentage of the fair market value of the property immediately after its distribution exceeds his percentage of the cost amount to the partnership of the property immediately before its distribution, and
 - (iii) in no case shall the aggregate of amounts so designated in respect of his undivided interests in all such properties that are depreciable property or properties other than capital properties, exceeds one-half of the amount determined under subclause i in respect of him;
- (e) where the property so distributed by the partnership was depreciable property of the partnership of a prescribed class and any such person's percentage of the amount that was the capital cost to the partnership of that property exceeds the amount determined under clause *b* to be the cost to him of his undivided interest in the property, for the purposes of sections 17 and 24 and any regulations made under clause *a* of subsection 1 of section 24,
- (i) the capital cost to him of his undivided interest in the property shall be deemed to be his percentage of the amount that was the capital cost to the partnership of the property, and
 - (ii) the excess shall be deemed to have been allowed to him in respect of the property under regulations made under clause *a* of subsection 1 of section 24 in computing income for fiscal years before the acquisition by him of the undivided interest; and
- (f) the partnership shall be deemed to have disposed of each such property for proceeds equal to the cost amount to the partnership of the property immediately before its distribution. *New.*

(5) Subsection 4 is not applicable in any case in which sub-
 section 3 of section 79 is applicable. *New.*

Application
 of subs. 4

(6) Where a Canadian partnership, in this subsection referred to as the "predecessor partnership", has ceased to

Continuation
 of predecessor
 partnership
 by new
 partnership

exist at any particular time after 1971 and, at or before that time, all of the property of the predecessor partnership has been transferred to another Canadian partnership, hereinafter referred to as the "new partnership", the only members of which were members of the predecessor partnership, the new partnership shall be deemed to be a continuation of the predecessor partnership and any member's partnership interest in the new partnership shall be deemed to be a continuation of his partnership interest in the predecessor partnership. *New.*

Fiscal
period of
terminated
partnership

88. Where, at any time in a fiscal year of a partnership, the partnership would, but for subsection 1 of section 87 have ceased to exist, the fiscal year shall be deemed to have ended immediately before that time. *New.*

Disposition
of an interest
in a
partnership

89.—(1) Notwithstanding clause *a* of section 40, a corporation's taxable capital gain for a fiscal year from the disposition of an interest in a partnership to any person exempt from tax under section 122 shall be deemed to be,

- (a) one-half of such portion of its capital gain for the year therefrom as may reasonably be regarded as attributable to increases in the value of any partnership property of the partnership that is capital property other than depreciable property,

plus,

- (b) the whole of the remaining portion of such capital gain.

Gain from
disposition
of interest in
partnership

(2) In computing a corporation's gain for a fiscal year from the disposition of an interest in a partnership, there shall be included, in addition to the amount thereof determined under subsection 1 of section 42, the amount, if any, by which,

- (a) all amounts required by subsection 2 of section 55 to be deducted in computing the adjusted cost base to the corporation, immediately before the disposition, of the interest in the partnership,

exceeds

- (b) the aggregate of the cost to the corporation of the interest in the partnership and all amounts required by subsection 1 of section 55 to be added in computing the adjusted cost base to it, immediately before the disposition, of that interest. *New.*

90. Where a corporation was a member of a partnership at the end of a fiscal year of the partnership in which the partnership disposed of land used in a farming business of the partnership, there may be deducted in computing the corporation's income for its fiscal year in which the fiscal year of the partnership ended, one-half of the aggregate of amounts each of which is an amount in respect of that fiscal year of the corporation or any previous fiscal year of the corporation ending after 1971, equal to the corporation's loss, if any, for the fiscal year from the farming business, to the extent that such loss,

Disposition
of land
used in
farming
business of
partnership

- (a) was, by virtue of section 33, not deductible in computing the corporation's income for the fiscal year;
- (b) was not deductible for the purpose of computing the corporation's taxable income for its fiscal year in which the partnership's fiscal year in which the land was disposed of ended, or for any previous fiscal year of the corporation;
- (c) did not exceed that proportion of the aggregate of,
 - (i) taxes, other than income or profits taxes or taxes imposed by reference to the transfer of the property, paid by the partnership in its fiscal year ending in the fiscal year or payable by it in respect of that fiscal year to a province or a Canadian municipality in respect of the property, and
 - (ii) interest paid by the partnership in its fiscal year ending in the fiscal year or payable by it in respect of that fiscal year, pursuant to a legal obligation to pay interest on borrowed money used to acquire the property or on any amount as consideration payable for the property,

to the extent that such taxes and interest were included in computing the loss of the partnership for that fiscal year from the farming business, that,

- (iii) the corporation's loss from the farming business for the fiscal year,
- is of,
- (iv) the partnership's loss from the farming business for its fiscal year ending in the fiscal year; and
 - (d) did not exceed the remainder obtained when,

- (i) the aggregate of each of the corporation's losses from the farming business for fiscal years preceding the fiscal year, to the extent that such losses are included in computing the amount determined under this section in respect of the corporation;

is deducted from,

- (ii) two times the amount of the corporation's taxable capital gain from the disposition of the land. *New.*

"Canadian partnership" defined

91. In this Subdivision "Canadian partnership" means a partnership all of the members of which were, at any time in respect of which the expression is relevant, resident in Canada. *New.*

Agreement to share income, etc., so as to reduce or postpone tax otherwise payable

92.—(1) Where the members of a partnership have agreed to share, in a specified proportion, any income or loss of the partnership from any source or from sources in a particular place, as the case may be, or any other amount in respect of any activity of the partnership that is relevant to the computation of the income or taxable income of any of the members thereof, and the principal reason for the agreement may reasonably be considered to be the reduction or postponement of the tax that might otherwise have been or become payable under this Act, the share of each member of the partnership in the income or loss, as the case may be, or in that other amount, is the amount that is reasonable having regard to all the circumstances including the proportions in which the members have agreed to share profits and losses of the partnership from other sources or from sources in other places.

Meaning of "losses" in subs. 1

(2) For the purposes of this section, the word "losses" when used in the expression "profits and losses" means losses determined without reference to other provisions of this Act. *New.*

SUBDIVISION J—BENEFICIARIES OF TRUSTS

Income of beneficiary from a trust

93.—(1) For the purposes of this Part, there shall be included in computing the income of a corporation that is a beneficiary under a trust such part of the amount that would be the income of the trust for a fiscal year if no deduction were made under subsection 6 or 12 of section 104 of the *Income Tax Act* (Canada) or under regulations made under paragraph *a* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as was payable in the fiscal year to the corporation

whether or not it was paid to it in that fiscal year and shall not be included in computing its income for a subsequent fiscal year in which it was paid.

(2) A corporation that is a beneficiary under a trust may deduct from the amount that would otherwise be its income from the trust by virtue of subsection 1, such part of the amount that would otherwise be deductible from the income of the trust for the fiscal year under regulations made under paragraph *a* of subsection 1 of section 20 of the *Income Tax Act* (Canada), as the trust may determine. Capital cost allowance deduction 1970-71, c. 63 (Can.)

(3) Where an amount is payable in a fiscal year by a trust to a corporation that is a beneficiary under the trust, no part of that amount shall be deemed, for the purpose of subsection 1, to be payable out of an amount deductible in computing the income of the trust for the fiscal year under regulations made under subsection 1 of section 65 of the *Income Tax Act* (Canada) except such part thereof as the trust designates as being so payable. Depletion allowance

(4) Such portion of,

- (a) the aggregate of taxable dividends received by a trust in a fiscal year on shares of the capital stock of taxable Canadian corporations, Portion of taxable dividends deemed to be dividends received by beneficiary

as,

- (b) may reasonably be considered, having regard to all the circumstances including the terms and conditions of the trust arrangement, to be part of the amount that, by virtue of subsection 1 or section 94, as the case may be, was included in computing the income for the fiscal year of a corporation that was a particular beneficiary under the trust; and
- (c) was not designated by the trust in respect of any other beneficiary thereunder,

shall if so designated by the trust in respect of the corporation that was a particular beneficiary in the return of its income for the fiscal year under Part I of the *Income Tax Act* (Canada), be deemed, for the purposes of section 76 and this subsection, to be a taxable dividend received by that corporation in the fiscal year from a taxable Canadian corporation, and not to be a taxable dividend received by the trust in the fiscal year from a taxable Canadian corporation.

(5) Where an amount has, in a fiscal year, become payable by a trust to a corporation that is a particular beneficiary thereunder, such portion thereof as, Portion of non-taxable dividends not to be included in beneficiary's income

- (a) may reasonably be considered, having regard to all the circumstances including the terms and conditions of the trust arrangement, to have derived from an amount received by the trust in the fiscal year as, on account or in lieu of payment of, or in satisfaction of a dividend on a share of the capital stock of a corporation resident in Canada other than a taxable dividend; and
- (b) was not designated by the trust in respect of any other beneficiary thereunder,

1970-71, c. 63
(Can.)

shall, if so designated by the trust in respect of the corporation that was a particular beneficiary in its return of income for the fiscal year under Part I of the *Income Tax Act* (Canada), not be included in computing the income of the corporation that was a particular beneficiary of the trust for the fiscal year.

Portion of
taxable
capital
gains
deemed
gain of
beneficiary

- (6) Such portion of,

- (a) the amount, if any, by which the aggregate of the taxable capital gains of a trust for a fiscal year exceeds the aggregate of,
 - (i) its allowable capital losses for the fiscal year, and
 - (ii) the amount, if any, deductible under paragraph b of subsection 1 of section 111 of the *Income Tax Act* (Canada) from its income for the fiscal year,

as,

- (b) may reasonably be considered, having regard to all the circumstances including the terms and conditions of the trust arrangement, to be part of the amount that, by virtue of subsection 1 or section 94, as the case may be, was included in computing the income for the fiscal year of a corporation that was a particular beneficiary under the trust; and
- (c) was not designated by the trust in respect of any other beneficiary thereunder,

shall, if so designated by the trust in respect of the corporation that was a particular beneficiary in the return of its income for the fiscal year under Part I of the *Income Tax Act* (Canada), be deemed, for the purposes of sections 12 and 99, to be a taxable capital gain for the fiscal year of that corporation from the disposition of capital property.

(7) For the purposes of subsections 1 and 5, an amount^{"Amount payable"} shall not be considered to be payable in the fiscal year unless it was paid in the fiscal year to the person to whom it was payable or he was entitled in that fiscal year to enforce payment thereof. *New.*

94. The value of all benefits, other than a distribution^{Benefits under trust, contract, etc.} or payment of capital, to a corporation during a fiscal year from or under a trust, contract, arrangement or power of appointment, irrespective of when made or created, shall be included in computing the corporation's income for the fiscal year. *New.*

95.—(1) Where an amount in respect of a corporation's income interest in a trust^{Income interest in trust} has been included in computing the corporation's income for a fiscal year by virtue of subsection 1 of section 93 or subsection 2 of this section, there may be deducted in computing the corporation's income for the fiscal year the lesser of,

- (a) the amount so included in computing its income for the fiscal year; and
- (b) the amount, if any, by which the cost to the corporation of the income interest exceeds the aggregate of all amounts in respect of the interest that were deductible by virtue of this subsection in computing the corporation's income for previous fiscal years.

(2) Where in a fiscal year a corporation disposes of an income interest in a trust,^{Disposition by corporation of income interest}

- (a) except where subsection 3 is applicable, there shall be included in computing the corporation's income for the fiscal year the proceeds of the disposition;
- (b) any taxable capital gain or allowable capital loss of the corporation from the disposition shall be deemed to be nil; and
- (c) for greater certainty, the cost to the corporation of each property received by it as consideration for the disposition is the fair market value of the property at the time of the disposition.

(3) For greater certainty, where at any time any property^{Proceeds of disposition of income interest} of a trust has been distributed by the trust to a corporation that was a beneficiary under the trust in satisfaction of all or any part of its income interest in the trust, the trust shall be

deemed to have disposed of the property for proceeds of disposition equal to the fair market value of the property at that time. *New.*

Disposition
by
corporation
of capital
interest

96.—(1) Where a corporation has disposed of a capital interest in a trust,

- (a) for the purposes of computing the corporation's taxable capital gain, if any, from the disposition of the interest, the adjusted cost base to the corporation thereof immediately before the disposition shall be deemed to be an amount equal to the greater of the adjusted cost base to it thereof otherwise determined immediately before that time and the cost amount to it of the interest immediately before that time; and
- (b) for greater certainty, for the purposes of computing the corporation's allowable capital loss, if any, from the disposition of the interest, the adjusted cost base to the corporation thereof immediately before the disposition is the adjusted cost base to it of the interest immediately before that time as determined under this Act without reference to clause *a*,

except that where the interest was an interest in an *inter vivos* trust not resident in Canada that was purchased by the corporation, clause *a* does not apply in respect of the disposition thereof except where subsection 2 is applicable in respect of any distribution of property by the trust to the corporation in satisfaction of all or any part of the interest.

Distribution
by trust in
satisfaction
of capital
interest

(2) Where at any time any property of a trust has been distributed by the trust to a corporation that was a beneficiary under the trust in satisfaction of all or any part of the corporation's capital interest in the trust, the following rules apply,

- (a) the trust shall be deemed to have disposed of the property for proceeds of disposition equal to its cost amount to the trust immediately before that time;
- (b) the corporation shall be deemed to have acquired the property at a cost equal to the aggregate of its cost amount to the trust immediately before that time and that proportion of the amount, if any, by which,
 - (i) the adjusted cost base to the corporation of the capital interest immediately before that time as determined for the purposes of clause *b* of subsection 1,

exceeds

- (ii) the cost amount to the corporation of the capital interest immediately before that time,

that the cost amount to the trust of the property immediately before that time is of the amount determined under subclause ii;

- (c) the corporation shall be deemed to have disposed of all or part, as the case may be, of the capital interest for proceeds equal to the cost at which the corporation is deemed by clause *b* to have acquired the property, minus the amount of any debt assumed by the corporation or of any other legal obligation assumed by it to pay any amount, if the distribution of the property to the corporation was conditional upon the assumption by the corporation of the debt or obligation; and
- (d) where the property so distributed was depreciable property of a prescribed class of the trust and the amount that was the capital cost to the trust of that property exceeds the cost at which the corporation is deemed by this section to have acquired the property, for the purposes of sections 17 and 24 and any regulations made under clause *a* of subsection 1 of section 24,
 - (i) the capital cost to the corporation of the property shall be deemed to be the amount that was the capital cost of the property to the trust, and
 - (ii) the excess shall be deemed to have been allowed to the corporation in respect of the property under regulations made under clause *a* of subsection 1 of section 24 in computing income for fiscal years before the acquisition by the corporation of the property.

(3) Where the property referred to in subsection 2 that was distributed by a trust to a corporation was property, other than capital property that was not depreciable property, for the purposes of determining the cost to the corporation of the property under clause *b* of subsection 2, except for the purposes of clause *b* of subsection 2 as it applies to determine the corporation's proceeds of disposition of its capital interest under clause *c* of subsection 2, the reference in clause *b* of subsection 2 to "that proportion" shall be read as a reference to "one-half of that proportion". *New.*

Determina-
tion of cost
of property
other than
non-
depreciable
capital
property

Distribution
to non-resi-
dent bene-
ficiary

(4) Where subsection 2 is applicable in respect of the distribution by a trust of any property of the trust to a non-resident corporation that was a beneficiary under the trust and the property was not taxable Canadian property or property that would be taxable Canadian property if at no time in the fiscal year of the trust in which it was so distributed the trust had been resident in Canada, notwithstanding clauses *a* to *c* of subsection 2, the provisions of paragraphs *d* to *f* of subsection 4 of section 107 of the *Income Tax Act* (Canada) are applicable in respect of the property as if the reference in paragraph *f* of subsection 4 of section 107 of that Act to “that fair market value” were read as a reference to “the adjusted cost base to him of the interest or part thereof, as the case may be, immediately before the property was so distributed”.

1970-71,
c. 63 (Can.)

Interpre-
tation

97.—(1) In this Subdivision,

- (a) “beneficiary” under a trust includes a person beneficially interested therein;
 - (b) “capital interest” of a corporation in a trust means a right, whether immediate or future and whether absolute or contingent, of a corporation that is a beneficiary under the trust to, or to receive, all or any part of the capital of a trust;
 - (c) “cost amount” of any capital interest of a corporation in any trust at any time means,
 - (i) in any case where any money or property of the trust has been distributed by the trust to the corporation in full satisfaction of the whole of its capital interest, whether on the winding-up of the trust or otherwise, the aggregate of the money so distributed and all amounts each of which is the cost amount to the trust, immediately before the distribution, of each such property so distributed to the corporation, and
 - (ii) in any other case, that proportion of the amount, if any, by which the aggregate of all money of the trust on hand immediately before that time and all amounts each of which is the cost amount to the trust, immediately before that time, of each property of the trust exceeds the aggregate of all amounts each of which is the amount of any debt owing by the trust, or of any other obligation of the trust to pay any amount, that was outstanding immediately before that time, that,
- (A) the fair market value at that time of the capital interest in the trust,

is of,

- (B) the fair market value at that time of all capital interests in the trust;
- (d) "income interest" of a corporation in a trust means a right, whether immediate or future and whether absolute or contingent, of a corporation that is a beneficiary under the trust to, or to receive, all or any part of the income of the trust;
- (e) "*inter vivos* trust" means a trust other than a testamentary trust;
- (f) "trust" includes an *inter vivos* trust but, in sections 94 to 96, does not include,
 - (i) a unit trust, or
 - (ii) a trust governed by a registered pension fund or plan, an employees profit sharing plan, a registered supplementary unemployment benefit plan, a registered retirement savings plan or a deferred profit sharing plan.

(2) For the purposes of this Act, a trust is a unit trust at any particular time if, at that time, it was an *inter vivos* trust ^{Meaning of expression "unit trust"} the interest of each beneficiary under which was described by reference to units of the trust, and,

- (a) the issued units of the trust included,
 - (i) units having conditions attached thereto that included conditions requiring the trust to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the units, or fractions or parts thereof, that are fully paid, or
 - (ii) units qualified in accordance with prescribed conditions relating to the redemption of the units by the trust,

and the fair market value of such of the units as had conditions attached thereto that included such conditions or as were so qualified, as the case may be, was not less than 95 per cent of the fair market value of all of the issued units of the trust, such fair market values being determined without regard to any voting rights attaching to units of the trust; or

- (b) throughout the fiscal year in which the particular time occurred it complied with the following conditions,
 - (i) it was resident in Canada,

- (ii) its only undertaking was the investing of funds of the trust,
- (iii) at least 80 per cent of its property throughout the year consisted of shares, bonds, mortgages, marketable securities, or cash, or of rights to or interest in any rental or royalty computed by reference to the amount or value of production from an oil or gas well, or from a mineral resource, situated in Canada,
- (iv) not less than 95 per cent of its income for the fiscal year was derived from, or from dispositions of, investments described in sub-clause iii,
- (v) at no time in the fiscal year did more than 10 per cent of its property consist of shares, bonds or securities of any one corporation or debtor other than Her Majesty in right of Canada or a province or a Canadian municipality, and
- (vi) all holdings of and transactions, if any, in its units accorded with prescribed conditions relating to the number of its unit holders, dispersal of ownership of its units and public trading of its units.

Meaning of
"income"
of trust

(3) For the purposes of clause *d* of subsection 1 of section 97, the income of a trust is its income computed without reference to the provisions of this Act. *New.*

DIVISION C—COMPUTATION OF TAXABLE INCOME

Deductions
permitted

98.—(1) For the purpose of computing the taxable income of a corporation for a fiscal year, there may be deducted from its income for the fiscal year such of the following amounts as are applicable:

Charitable
donations

- (a) the aggregate of gifts made by the corporation in the fiscal year, and in the immediately preceding fiscal year, to the extent of the amount thereof that was not deductible under this Act in computing the taxable income of the corporation for that immediately preceding fiscal year, to,
 - (i) registered Canadian charitable organizations,
 - (ii) registered Canadian amateur athletic associations,

- (iii) housing corporations resident in Canada and exempt from tax under Part II by clause *f* of subsection 1 of section 122,
- (iv) Her Majesty in right of any province of Canada other than Ontario and any Canadian municipality,
- (v) the United Nations or agencies thereof,
- (vi) universities outside Canada prescribed to be universities the student body of which ordinarily includes students from Canada, and
- (vii) charitable organizations outside Canada to which Her Majesty in right of Canada has made a gift during the fiscal year or the 12 months immediately preceding that fiscal year,

not exceeding 20 per cent of the income of the corporation for the fiscal year, if payment of the amounts given is proven by filing receipts or photostatic reproductions thereof with the Minister that, in the case of a donation to a registered Canadian charitable organization or registered Canadian amateur athletic association, contain prescribed information; R.S.O. 1970, c. 91, s. 37 (1), par. 1, *amended*.

- (b) the aggregate of gifts made by the corporation in the fiscal year, and in the immediately preceding fiscal year, to the extent of the amount thereof that was not deductible under this Act in computing the taxable income of the corporation for that immediately preceding fiscal year, to Her Majesty in right of Canada and of Ontario, not exceeding the amount remaining, if any, when the amount deducted for the fiscal year under subsection 1 is deducted from the income of the corporation for the fiscal year, if payment of the amounts given is proven by filing receipts or photostatic reproductions thereof with the Minister. R.S.O. 1970, c. 91, s. 37 (1), par. 2.

Gifts to
Her
Majesty

(2) Clauses *a* and *b* of subsection 1 do not apply to permit a corporation to deduct, for the purposes of computing its taxable income for a fiscal year, any amount in respect of gifts made by the corporation in the fiscal year, until the amount deductible under those clauses in respect of gifts made by the corporation in the immediately preceding fiscal year has been deducted. R.S.O. 1970, c. 91, s. 37 (5).

Application
of subs. 1,
(a, b)

Gifts made by
partnership

(3) Where a corporation was, at the end of a fiscal year of a partnership, a member of the partnership, the corporation's share of any amount that would, if the partnership were a person, be a gift made by the partnership to any donee, shall, for the purposes of this section, be deemed to be a gift made by the corporation in its fiscal year in which the fiscal year of the partnership ended, to that donee. *New.*

Interpre-
tation

(4) In this section,

(a) "registered Canadian amateur athletic association" means an association that was created under any law in force in Canada, that is resident in Canada, and that,

(i) is a person described in paragraph *l* of subsection 1 of section 149 of the *Income Tax Act* (Canada), and

(ii) has, as its primary purpose and its primary function, the promotion of amateur athletics in Canada on a nationwide basis; and *New*

(b) "registered Canadian charitable organization" means,

(i) a charitable organization in Canada exempt from tax under Part I of the *Income Tax Act* (Canada) by paragraph *f* of subsection 1 of section 149 thereof or a corporation or trust resident in Canada exempt from tax under Part I of the *Income Tax Act* (Canada) by paragraph *g* or *h* of subsection 1 of section 149 thereof, or

(ii) a branch, section, parish, congregation or other division of an organization described in subclause *i* that receives donations on its own behalf,

that, except as otherwise designated by the Minister, has been registered as a Canadian amateur athletic association or a Canadian charitable organization, as the case may be, in respect of the same year by the Minister of National Revenue for Canada under subsection 8 of section 110 of the *Income Tax Act* (Canada) and except as otherwise designated by the Minister, the registration has not been revoked by the Minister of National Revenue for Canada under subsection 2 of section 168 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 37 (6,8), *amended*.

1970-71, c. 63
(Can.)

99.—(1) For the purpose of computing the taxable income of a corporation for a fiscal year, there may be deducted from the income for the fiscal year such of the following amounts as are applicable:

(a) non-capital losses for the five fiscal years immediately preceding and the fiscal year immediately following the fiscal year, but no amount is deductible in respect of non-capital losses from the income of any fiscal year except to the extent of the corporation's income for the fiscal year minus all deductions permitted by the provisions of this Division other than this clause or clause *b*; R.S.O. 1970, c. 91, s. 37 (1), par. 3, *amended*. Non-capital
losses

(b) net capital losses for fiscal years preceding and the fiscal year immediately following the fiscal year, but no amount is deductible in respect of net capital losses from the income of any fiscal year except to the extent of the lesser of, Net capital
losses

(i) the amount, if any, by which the corporation's income for the fiscal year exceeds the aggregate of all deductions permitted by the provisions of this Division other than this clause, and

(ii) the amount, if any, determined under clause *b* of section 12 in respect of the corporation for the fiscal year; *New*.

(c) restricted farm losses of the corporation for the five fiscal years immediately preceding and the fiscal year immediately following the fiscal year, but no amount is deductible in respect of a restricted farm loss from the income for any fiscal year except to the extent of the lesser of, Restricted
farm
losses

(i) the corporation's income for the fiscal year minus all deductions permitted by the provisions of this Division other than this subsection, and

(ii) the corporation's incomes for the fiscal year from all farming businesses carried on by it. R.S.O. 1970, c. 91, s. 37 (4), *amended*.

(2) For the purposes of subsection 1,

Limitation
on
deductibility

(a) an amount in respect of a non-capital loss, net capital loss or restricted farm loss, as the case may be, for a

fiscal year is only deductible to the extent that it exceeds the aggregate of,

(i) amounts previously deductible in respect of that loss under this section, and

(ii) amounts previously subtracted in respect of that loss under paragraph *c* or *d* of subsection 1 of section 186 of the *Income Tax Act* (Canada) in determining amounts on which tax under Part IV of that Act has become payable; and

1970-71, c. 63
(Can.)

(b) no amount is deductible in respect of a non-capital loss, net capital loss or restricted farm loss, as the case may be, for any fiscal year until,

(i) in the case of a non-capital loss, the deductible non-capital losses,

(ii) in the case of net capital loss, the deductible net capital losses, and

(iii) in the case of a restricted farm loss, the deductible restricted farm losses,

for previous fiscal years have been deducted. R.S.O. 1970, c. 91, s. 37 (1, 2), *amended*.

Application
of subs. 1
where
change in
control

(3) Subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, any amount in respect of its net capital loss for a preceding fiscal year if, before the end of the fiscal year, control of the corporation has been acquired by a person or persons who did not at the end of that preceding fiscal year, control the corporation. R.S.O. 1970, c. 91, s. 37 (2), *amended*.

Idem

(4) Subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, such portion of its non-capital loss for a preceding fiscal year as may reasonably be regarded as its loss from carrying on any particular business if,

(a) control of the corporation has been acquired, before the end of the fiscal year, by a person or persons who did not, at the end of that preceding fiscal year, control the corporation and the corporation was not, during the fiscal year, carrying on that business; or

(b) control of the corporation was acquired, before the end of the fiscal year and after the winding-up or dis-

continuance of that business, by a person or persons who did not control the corporation at any time during that preceding fiscal year when that business was being carried on. R.S.O. 1970, c. 91, s. 37 (2, 3), *amended*.

(5) For the purposes of clause *h* of subsection 1 of section 55 and this section, any loss of a corporation for a fiscal year from a farming business shall, after the corporation disposes of the land used in that farming business and to the extent that the amount of such loss is required by clause *h* of subsection 1 of section 55 to be added in computing the adjusted cost base to the corporation of the land immediately before the disposition, be deemed not to be a loss. *New.* Limitation

(6) For the purposes of this section, any loss of a corporation for a fiscal year from a farming business shall, to the extent that such loss is included in the amount of any deduction permitted by section 90 in computing the corporation's income for any subsequent fiscal year, be deemed not to be a loss of the corporation for the purpose of computing its taxable income for that subsequent fiscal year or any fiscal year subsequent thereto. R.S.O. 1970, c. 91, s. 37 (4), *amended*. Idem

(7) In this section,

Inter-
pretation

(a) "net capital loss" of a corporation for a fiscal year means the amount, if any, by which its allowable capital losses for the fiscal year from dispositions of property, other than listed personal property, exceeds the aggregate of its taxable capital gains for the fiscal year from dispositions of property, other than listed personal property, and its taxable net gains for the fiscal year from dispositions of its listed personal property;

(b) "non-capital loss" of a corporation for a fiscal year means the amount, if any, by which,

(i) the aggregate of all amounts each of which is the corporation's loss for the fiscal year from a business or property and all amounts deductible under section 100 from the corporation's income for the fiscal year,

exceeds

(ii) the amount determined under clause *c* of section 12; and

(c) a reference to any amount determined under any clause or subclause of section 12 for a fiscal year Reference
in s. 12

shall be read as a reference to, in the case of a corporation to which subsection 2 or 3 of section 2 applies, the amount determined under any such clause or subclause for the fiscal year for the purposes of section 101. *New.*

Deduction
of taxable
dividends
received by
corporation
resident in
Canada

100.—(1) Where a corporation in a fiscal year has received a taxable dividend from,

- (a) a taxable Canadian corporation;
- (b) a corporation resident in Canada, other than a non-resident-owned investment corporation, and controlled by it; or
- (c) a corporation non-resident of Canada more than 25 per cent of the issued share capital of which, having full voting rights under all circumstances, belongs to the corporation receiving the dividend,

an amount equal to the dividend may be deducted from the income of the receiving corporation for the fiscal year for the purpose of computing its taxable income. R.S.O. 1970, c. 91, s. 38 (1), *amended*.

Dividends
received
from non-
resident
corporation
1970-71, c. 63
(Can.)

(2) Where a corporation in a fiscal year received a taxable dividend from a non-resident corporation that is taxable under subsection 3 of section 2 of the *Income Tax Act* (Canada) for that fiscal year, the corporation shall deduct from its income for the same fiscal year the same amount in respect of such dividends as the corporation was allowed to deduct under subsection 2 of section 112 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 38 (2).

Loss from
transaction
involving
share on
which
deductible
dividend
received

(3) Where an amount in respect of a taxable dividend received by a corporation, other than a trader or dealer in securities, in a fiscal year is, by virtue of this section or subsection 6 of section 138 of the *Income Tax Act* (Canada) deductible from the corporation's income for the fiscal year, the amount of any loss arising from transactions with reference to the share on which the dividend was received shall, unless it is established by the corporation that,

- (a) the corporation owned the share 365 days or longer before the loss was sustained; and
- (b) the corporation did not, at the time the dividend was received, own more than 5 per cent of the issued shares of any class of the capital stock of the corporation from which the dividend was received,

be deemed to be the amount of that loss otherwise determined minus the aggregate of all amounts received by the corporation in respect of taxable dividends on the share, to the extent that the amounts thereof were deductible from the corporation's income for any fiscal year by virtue of this section or subsection 6 of section 138 of the *Income Tax Act* (Canada). R.S.O. 1970-71, c. 63 (Can.) 1970, c. 91, s. 38 (3).

(4) The amount of any loss of a corporation that is a ^{Loss sustained by} trader or dealer in securities arising from transactions with ^{trader or dealer in securities} reference to any share on which an amount in respect of a dividend has been received by it shall, unless it is established by that corporation that,

- (a) it owned the share 365 days or longer before the loss was sustained; and
- (b) it did not, at the time the dividend was received, own more than 5 per cent of the issued shares of any class of the capital stock of the corporation from which the dividend was received,

be deemed to be the amount of that loss otherwise determined, minus the aggregate of all amounts received by the corporation in respect of taxable dividends on the share.

(5) For the purposes of this section,

Meaning of certain expressions

- (a) "taxable dividend" does not include a capital gains dividend within the meaning given to that expression by subsection 1 of section 109; and
- (b) one corporation is controlled by another corporation if more than 50 per cent of its issued share capital, having full voting rights under all circumstances, belongs to the other corporation, to persons with whom the other corporation does not deal at arm's length, or to the other corporation and persons with whom the other corporation does not deal at arm's length. *New.*

DIVISION D—TAXABLE INCOME EARNED

IN CANADA BY NON-RESIDENTS

101. For the purposes of this Act, the taxable income earned in Canada of a corporation to which subsection 2 or 3 of section 2 applies is the amount of its income for the fiscal year that would be determined under section 12 if, ^{Non-residents' taxable income earned in Canada}

- (a) it had no income other than,

- (i) incomes from businesses carried on in Canada,
 - (ii) taxable capital gains from dispositions described in clause *b*,
 - (iii) income from property that is real property situated in Canada or an interest therein, that arose from the sale or rental thereof, or both,
 - (iv) the amount, if any, by which any amount required by subsection 2 of section 95 to be included in computing its income for the fiscal year as proceeds of the disposition of an income interest in a trust resident in Canada exceeds the amount in respect of that income interest that would, if it were liable to taxation by virtue of subsection 1 of section 2 throughout the fiscal year, be deductible under subsection 1 of section 95 in computing its income for the fiscal year, and
 - (v) proceeds of disposition by it in the fiscal year of a property that is a Canadian resource property, within the meaning given to that expression by subsection 12 of section 63, or that would have been such a property if it had been acquired by it after 1971 to the extent not included in computing its income from a business carried on by it in Canada;
- (b) the only taxable capital gains and allowable capital losses referred to in clause *b* of section 12 were taxable capital gains and allowable capital losses from dispositions of property each of which was a disposition of a property, in this Act referred to as a "taxable Canadian property", that was a property referred to in any of the subparagraphs i to viii of paragraph *b* of subsection 1 of section 115 of the *Income Tax Act* (Canada); and
- (c) the only losses referred to in clause *d* of section 12 were losses from a business carried on by it in Canada or from real property situated in Canada or an interest therein,

1970-71, c. 63
(Can.)

minus the aggregate of such of the deductions from income permitted for the purpose of computing taxable income as may reasonably be considered wholly applicable and of such part of any other of the said deductions as may reasonably be considered applicable. R.S.O. 1970, c. 91, s. 5 (36-38), *amended*.

DIVISION E—COMPUTATION OF INCOME

TAX PAYABLE

102. The tax payable by a corporation under this Part^{Rate} upon its taxable income or taxable income earned in Canada, as the case may be, in this section referred to as the “amount taxable”, is 12 per cent of the amount taxable. R.S.O. 1970, c. 91, s. 5 (1).

103. There may be deducted from the tax otherwise pay-^{Deduction}able under this Part for a fiscal year by a corporation an amount^{from} equal to 12 per cent of that portion of its taxable income or^{income tax} taxable income earned in Canada, as the case may be, which is earned in the fiscal year in each jurisdiction other than Ontario, determined under rules prescribed by the regulations. R.S.O. 1970, c. 91, s. 5 (2).

104. Where a corporation has a permanent establishment^{Foreign} in Ontario and has received income in the fiscal year in the^{tax} form of dividends, interest, rents or royalties that was derived^{deduction} from sources within a jurisdiction outside Canada or is deemed to have received income in the form of dividends and interest from a country outside Canada by virtue of the provisions of subsection 5 of section 148 of the *Income Tax Act* (Canada), here-^{1970-71, c. 63}inafter in this section referred to as “foreign investment^(Can.) income”, or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this section referred to as “foreign business income”, and where, for the purposes of subsection 2 of section 126 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purpose of allocating taxable income to jurisdictions outside Ontario in accordance with the regulations made under section 103, has been excluded when calculating its gross revenue, or any part thereof, and where the corporation is entitled to a deduction under section 126 of the *Income Tax Act* (Canada), hereinafter in this section referred to as “foreign tax credit”, with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of the provisions of subsection 5 of section 148 of the *Income Tax Act* (Canada), the corporation may deduct from the tax otherwise payable under this Part for the fiscal year an amount equal to the lesser of,

- (a) 10 per cent of that part of such foreign investment income that is included in that portion of taxable

income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario for the purpose of section 103; and

- (b) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 124 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 124 of the *Income Tax Act* (Canada) has been applied which,

- (i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with paragraph *a*, of subsection 4 of section 124 of the *Income Tax Act* (Canada),

bears to,

- (ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 5 (39).

Logging
tax
deduction

105.—(1) There may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation an amount equal to one-third of the tax payable by the corporation for the same fiscal year under *The Logging Tax Act*. R.S.O. 1970, c. 91, s. 5 (40).

R.S.O. 1970,
c. 258

Interpre-
tation

(2) In subsection 1, "tax otherwise payable" means the tax for the fiscal year otherwise payable by the corporation under this Part after making any deduction applicable under section 103. R.S.O. 1970, c. 91, s. 5 (41).

5% invest-
ment tax
deduction

106.—(1) There may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation an amount equal to 5 per cent of the cost of machinery and equipment acquired and used in that fiscal year by the corporation which machinery and equipment is acquired pursuant to an agreement entered into after the 26th day of April, 1971, and which shall be used by the corporation solely in Ontario prior to the 1st day of April, 1973, for the purpose of earning income. 1971, c. 11, s. 1, *part*.

Deemed
acquisition
and use

(2) For the purposes of this section, where the machinery and equipment in respect of which the provisions of sub-

section 1 would otherwise apply, is not used by the corporation in the fiscal year in which it is acquired, such machinery and equipment shall be deemed to have been acquired and used by the corporation in the fiscal year in which it is first used. 1971, c. 72, s. 1.

(3) Any amount which may be deducted under subsection 1 ^{Tax deduction carried forward} may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 1 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1973, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed that portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365.

(4) Notwithstanding subsection 3, where a corporation has ^{Idem} a net loss, any amount which may be deducted under subsection 1 may be deducted in subsequent fiscal years to the extent that the deduction allowed under subsection 1 exceeds the tax otherwise payable by the corporation in the previous fiscal years and, except as herein provided, no deduction shall be allowed in any fiscal year of the corporation ending after the 31st day of March, 1974, except that with respect to the first fiscal year of the corporation ending after the 31st day of March, 1974 the amount which may be deducted from the tax otherwise payable for that fiscal year shall not exceed the portion of the tax otherwise payable for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1974, bears to 365.

(5) In this section,

<sup>Interpre-
tation</sup>

- (a) "machinery and equipment" means machinery and equipment prescribed by the regulations, but does not include automobiles and trucks, any property that is described in the corporation's inventory or that part of any property in respect of which a loan is made under *The Ontario Development Corporation Act*, or *The Northern Ontario Development Corporation Act*;

<sup>R.S.O. 1970,
cc. 308, 299</sup>

- (b) "net loss" means the amount, if any, by which the non-capital losses exceed the incomes of a corporation for the fiscal years ending between the 26th day of April, 1971, and the 1st day of April, 1973, except that,

- (i) where the provisions of subsection 4 apply with respect to the first fiscal year of the corporation ending after the 31st day of March, 1973, in determining the net loss for the purpose of this section there shall be included that portion of the non-capital loss or income for that fiscal year that the number of days in that fiscal year prior to the 1st day of April, 1973, bears to 365, and
- (ii) where, for the purposes of section 103, part of the taxable income of a corporation for a fiscal year is deemed to have been earned by the corporation in a jurisdiction outside Ontario, or, where the taxable income for that fiscal year is nil and, for the purposes of section 132, part of the taxable paid-up capital of the corporation is deemed to have been used in a jurisdiction outside Ontario, the non-capital loss or income for that fiscal year shall, in determining the net loss for the purpose of this section, be reduced in the same ratio that the tax payable under section 102 or 131, as the case may be, is reduced for that fiscal year;
- (c) “tax otherwise payable” means the tax for the fiscal year otherwise payable by the corporation under this Part after making any deduction applicable under section 103. 1971, c. 11, s. 1, *part*.

Tax on
tax

107. Where under a contract, will or trust, made or created before the 14th day of May, 1953, a person is required to make a payment to a corporation and is required by the terms of the contract, will or trust to pay an additional amount measured by reference to tax payable by such corporation under Part I of the *Income Tax Act* (Canada) and Part II of this Act by reason of the payment,

1970-71, c. 63
(Can.)

- (a) the tax payable by the corporation under Part II of this Act for the fiscal year in or in respect of which such a payment is made or becomes payable is the amount that the tax of the corporation under Part II of this Act would be if no amount under the contract were included in computing its income for the fiscal year plus,
 - (i) the amount by which its tax under Part II of this Act would be increased by including in computing its income,

- (A) the payment, and
- (B) the amount by which its tax under Part I of the *Income Tax Act* (Canada) ^{1970-71, c. 63 (Can.)} would be increased by including the payment in computing its income, and
- (ii) the amount by which the tax of the corporation under Part II of this Act would be further increased by including, in computing its income for the fiscal year, the amount fixed by subclause i or the additional payment, whichever is the lesser; and
- (b) if the person required to make the payment is a corporation and would otherwise be entitled to deduct the amounts payable under such a contract in computing its income for a fiscal year, such corporation is not entitled to deduct the amount determined under subclause ii of clause *a*. R.S.O. 1970, c. 91, s. 67.

DIVISION F—SPECIAL RULES

APPLICABLE IN CERTAIN CIRCUMSTANCES

Bankruptcies

108.—(1) Where a corporation has become a bankrupt, the ^{Where} following rules are applicable: ^{corporation} ^{bankrupt}

- (a) the trustee in bankruptcy shall be deemed to be the agent of the bankrupt for all purposes of this Act;
- (b) the estate of the bankrupt shall be deemed not to be a trust or an estate for the purposes of this Act;
- (c) the income and the taxable income of the corporation for any fiscal year of the corporation during which it was a bankrupt and for any subsequent fiscal year shall be calculated as if,
 - (i) the property of the bankrupt did not pass to and vest in the trustee in bankruptcy on the receiving order being made or the assignment filed but remained vested in the bankrupt, and
 - (ii) any dealing in the estate of the bankrupt or any act performed in the carrying on of the business of the bankrupt estate by the trustee was done as agent on behalf of the bankrupt and any income of the trustee from

such dealing or carrying on is income of the bankrupt and not of the trustee;

- (d) a fiscal year of the corporation shall be deemed to have commenced on the day the corporation became a bankrupt and a fiscal year of the corporation that would otherwise have ended after the corporation became a bankrupt shall be deemed to have ended on the day immediately before the day on which the corporation became a bankrupt;
- (e) where, in the case of any fiscal year of the corporation ending during the period the corporation is a bankrupt, the corporation fails to pay the tax payable by the corporation under this Act for any such fiscal year, the corporation and the trustee in bankruptcy are jointly and severally liable to pay the tax, except that,
 - (i) the trustee is only liable to the extent of the property of the bankrupt in his possession, and
 - (ii) payment by either of them shall discharge the joint obligation;
- (f) in the case of any fiscal year of the corporation ending during the period the corporation is a bankrupt, the corporation shall be deemed not to be associated with any other corporation in the year; and
- (g) where an absolute order of discharge is granted in respect of the corporation, for the purposes of section 99 any loss of the corporation for any fiscal year preceding the fiscal year in which the order of discharge was granted is not deductible by the corporation in computing its taxable income for the fiscal year of the corporation in which the order was granted or any subsequent fiscal year. R.S.O. 1970, c. 91, s. 40 (1).

"Bankrupt" and "estate of bankrupt" defined
R.S.C. 1970, c. B-4

(2) In this section, "bankrupt" and "estate of the bankrupt" have the meanings given to those expressions by the *Bankruptcy Act* (Canada). R.S.O. 1970, c. 91, s. 40 (2).

Investment Corporations and Mutual Fund Corporations

Election re capital gains dividend
1970-71, c. 63 (Can.)

109.—(1) Where a corporation is an investment corporation, as defined by subsection 3 of section 130 of the *Income Tax Act* (Canada), or is a mutual fund corporation, as defined by sub-

section 8 of section 131 of such Act, and the corporation has elected in respect of the full amount of a dividend that has become payable by it at any particular time after 1971 in accordance with subsection 1 of section 131 of the *Income Tax Act* (Canada),^{1970-71, c. 63 (Can.)}

- (a) the dividend shall be deemed to be a capital gains dividend to the extent that it does not exceed the corporation's capital gains dividend account as defined by paragraph *b* of subsection 6 of section 131 of the *Income Tax Act* (Canada) at the particular time; and
- (b) notwithstanding anything in this Act, any amount received by a corporation in a fiscal year as, on account of or in lieu of payment of, or in satisfaction of the dividend shall not be included in computing the corporation's income for the fiscal year as income from a share of the capital stock of the paying corporation, but shall be deemed to be a capital gain of the corporation for the fiscal year from the disposition of capital property.

(2) Where a corporation has in a fiscal year become entitled to a refund by virtue of subsection 2 of section 131 of the *Income Tax Act* (Canada), the Minister,^{Capital gains refund to mutual fund corporation}

- (a) may upon mailing the notice of assessment for the fiscal year, refund without application therefor an amount equal to 25 per cent of its capital gains refund for the fiscal year determined under subsection 2 of section 131 of the *Income Tax Act* (Canada) for the same fiscal year; and
- (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the corporation within 4 years from the end of the fiscal year.

(3) Instead of making a refund that might otherwise be made under subsection 2, the Minister may, where the corporation is liable or about to become liable to make any payment under this Act, apply the amount that would otherwise be refunded to that other liability and notify the corporation of that action.^{Application to other liability}

(4) Section 78 does not apply to deem a dividend to have been paid by a corporation to any of its shareholders, or to deem any of the shareholders of a corporation to have received a dividend on any shares of the capital stock of the corporation, if at the time the dividend would, but for this subsection, be^{Application of s. 78}

deemed by section 78 to have been so paid or received, as the case may be, the corporation was a mutual fund corporation. *New.*

Non-Resident-Owned Investment Corporations

110.—(1) The income of a non-resident-owned investment corporation for a fiscal year shall be computed as if its only income was taxable capital gains and allowable capital losses referred to in clause *b* of section 12 from dispositions of taxable Canadian property or property that would be taxable Canadian property if at no time in the fiscal year the corporation had been resident in Canada. R.S.O. 1970, c. 91, s. 45 (1), *amended.*

(2) The taxable income of a non-resident-owned investment corporation for a fiscal year is its income determined under subsection 1, minus its net capital losses for fiscal years preceding and the fiscal year immediately following the fiscal year, as provided for by section 99.

1971 undistributed income and capital surplus on hand

(3) For the purposes of this Act,

(a) in computing the 1971 undistributed income on hand of a non-resident-owned investment corporation at any time, there shall be deducted the amount, if any, by which,

(i) the corporation's 1971 undistributed income on hand at that time otherwise determined,

exceeds

(ii) the corporation's surplus determined in prescribed manner at the end of its 1971 fiscal year, for fiscal years ending before 1972 for which it was not taxable under section 70 of the *Income Tax Act* (Canada) as it read in its application to the 1971 fiscal year; and

1970-71, c. 63 (Can.)

(b) in computing the 1971 capital surplus on hand of a non-resident-owned investment corporation at any time, there shall be added to the amount thereof otherwise determined the amount of the excess described in clause *a*.

Election re capital gains dividend

(4) Where at any particular time after 1971 a dividend has become payable by a non-resident-owned investment corporation to shareholders of any class of shares of its capital stock, if the corporation so elects in respect of the full amount of the dividend, in prescribed manner and in prescribed form and at or

before the particular time or the first day on which any part of the dividend was paid if that day is earlier than the particular time, the following rules apply,

- (a) the dividend shall be deemed to be a capital gains dividend to the extent that the portion thereof in excess of the corporation's 1971 undistributed income on hand immediately before the particular time does not exceed the corporation's capital gains dividend account immediately before the particular time; and
- (b) any amount received by another non-resident-owned investment corporation in a fiscal year as, on account or in lieu of payment of, or in satisfaction of the capital gains dividend shall not be included in computing the corporation's income for the fiscal year.

(5) In this section,

Interpre-
tation

- (a) "Canadian property" means property other than foreign property within the meaning given to that expression by section 206 of the *Income Tax Act* ^{1970-71, c. 63} (Can.);
- (b) "capital gains dividend account" of a non-resident-owned investment corporation at any particular time means the amount, if any, by which the aggregate of the following amounts in respect of the period commencing January 1, 1972 and ending immediately after its last fiscal year ending before the particular time, namely,
 - (i) the corporation's capital gains for fiscal years ending in the period from dispositions in the period of Canadian property or shares of another non-resident-owned investment corporation, and
 - (ii) amounts received by the corporation in the period as, on account or in lieu of payment of, or in satisfaction of capital gains dividends from other non-resident-owned investment corporations,

exceeds the aggregate of

- (iii) the corporation's capital losses for fiscal years ending in the period from dispositions in the period of Canadian property or shares

of another non-resident-owned investment corporation,

- (iv) 25 per cent of the amount, if any, by which the aggregate of the corporation's capital gains for fiscal years ending in the period from dispositions in the period of taxable Canadian property or property that would be taxable Canadian property if at no time in the period the corporation had been resident in Canada, exceeds the aggregate of its capital losses for those fiscal years from dispositions in the period of such property, and
- (v) all capital gains dividends that became payable by the corporation before the particular time;

(c) "non-resident-owned investment corporation" means a corporation incorporated in Canada that, throughout the whole of the period commencing on the later of June 18, 1971 and the day on which it was incorporated and ending on the last day of the fiscal year in respect of which the expression is being applied, complied with the following conditions,

- (i) all of its issued shares and all of its bonds, debentures and other funded indebtedness were,

- (A) beneficially owned by non-resident persons, other than any foreign affiliate as defined in paragraph *b* of subsection 1 of section 95 of the *Income Tax Act* (Canada),

- (B) owned by trustees for the benefit of non-resident persons or their unborn issue, or

- (C) owned by a non-resident-owned investment corporation, all of the issued shares of which and all of the bonds, debentures and other funded indebtedness of which were beneficially owned by non-resident persons or owned by trustees for the benefit of non-resident persons or their unborn issue, or by two or more such corporations,

- (ii) its income for each fiscal year ending in the period was derived from,

- (A) ownership of or trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes, or other similar property or any interest therein,
 - (B) lending money with or without security,
 - (C) rents, hire of chattels, charterparty fees or remunerations, annuities, royalties, interest or dividends,
 - (D) estates or trusts, or
 - (E) disposition of capital property,
- (iii) not more than .10 per cent of its gross revenue for each fiscal year ending in the period was derived from rents, hire of chattels, charterparty fees or charterparty remunerations,
 - (iv) its principal business in each fiscal year ending in the period was not,
 - (A) the making of loans, or
 - (B) trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or any interest therein,
 - (v) it has, not later than 90 days after the commencement of its first fiscal year commencing after 1971 elected in prescribed manner to be taxed under section 133 of the *Income Tax Act* ^{1970-71, c. 63} (Canada), and
 - (vi) it has not, before the end of the last fiscal year in the period, revoked in prescribed manner the election so made by it, and it has paid the taxes payable for such fiscal year under section 133 of the *Income Tax Act* (Canada),

except that in no case shall a new corporation, within the meaning given to that expression by section 81, formed as a result of an amalgamation after June 18, 1971 of two or more predecessor corporations be regarded as a non-resident-owned investment corporation unless each of the predecessor corporations was, immediately before the amalgamation, a non-resident-owned investment corporation; and

- (d) "taxable dividend" does not include a capital gains dividend. *New.*

Non-resident-owned corporation deemed not to be Canadian or private corporation

111. Notwithstanding any other provision of this Act, a non-resident-owned investment corporation that would, but for this section, be a Canadian corporation or private corporation shall be deemed not to be a Canadian corporation or private corporation, as the case may be, except for the purposes of subsection 1 of section 77 and section 81. *New.*

Patronage Dividends

Deduction in computing income

112.—(1) Notwithstanding anything in this Part, there may be deducted, in computing the income of a corporation for a fiscal year, the aggregate of the payments made, pursuant to allocations in proportion to patronage, by the corporation,

- (a) within the fiscal year or within 12 months thereafter to its customers of the fiscal year; and
- (b) within the fiscal year or within 12 months thereafter to its customers of a previous fiscal year, the deduction of which from income of a previous fiscal year was not permitted. R.S.O. 1970, c. 91, s. 49 (1).

Limitation where non-member customers

(2) Notwithstanding subsection 1, if the corporation has not made allocations in proportion to patronage in respect of all its customers of the fiscal year at the same rate, with appropriate differences for different types or classes of goods, products or services, or classes, grades or qualities thereof, the amount that may be deducted under this section is an amount equal to the lesser of,

- (a) the aggregate of the payments mentioned in subsection 1; and
- (b) the aggregate of,
 - (i) the part of the income of the corporation for the fiscal year attributable to business done with members, and
 - (ii) the allocations in proportion to patronage made to non-member customers of the fiscal year. R.S.O. 1970, c. 91, s. 49 (2).

Interpretation

(3) For the purposes of this section,

- (a) "allocation in proportion to patronage" for a fiscal year means an amount credited by a corporation to a

customer of that fiscal year on terms that the customer is entitled to or will receive payment thereof, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the corporation from, on behalf of or to the customer, whether as principal or as agent of the customer or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof, if,

- (i) the amount was credited,
 - (A) within the fiscal year or within 12 months thereafter, and
 - (B) at the same rate in relation to quantity, quality or value aforesaid as the rate at which amounts were similarly credited to all other customers of that fiscal year who were members or to all other customers of that fiscal year, as the case may be, with appropriate differences aforesaid for different classes, grades or qualities, and
 - (ii) the prospect that amounts would be so credited was held forth by the corporation to its customers of that fiscal year who were members or non-member customers of that fiscal year, as the case may be;
- (b) "consumer goods or services" means goods or services the cost of which was not deductible by the person in computing the income from a business or property;
 - (c) "customer" means a customer of a corporation and includes a person who sells or delivers goods or products to the corporation, or for whom the corporation renders services;
 - (d) "income of the corporation attributable to business done with members" of any fiscal year means that proportion of the income of the corporation for the fiscal year, before making any deduction under this section, that the value of the goods or products acquired, marketed, handled, dealt in or sold or services rendered by the corporation from, on behalf of, or for members, is of the total value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the corporation from, on behalf of, or for all customers during the fiscal year;

- (e) "member" means a person who is entitled as a member or shareholder to full voting rights in the conduct of the affairs of the corporation or of another corporation of which the corporation is a subsidiary wholly-owned corporation;
- (f) "non-member customer" means a customer who is not a member; and
- (g) "payment" includes,
 - (i) the issue of a certificate of indebtedness or shares of the corporation or of another corporation of which the corporation is a subsidiary wholly-owned corporation if the corporation or that other corporation has in the fiscal year or within 12 months thereafter disbursed an amount of money equal to the aggregate face value of all certificates or shares so issued in the course of redeeming or purchasing certificates of indebtedness or shares of the corporation or that other corporation previously issued,
 - (ii) the application by the corporation of an amount to a member's liability to the corporation, including, without restricting the generality of the foregoing, an amount applied in fulfilment of an obligation of the member to make a loan to the corporation and an amount applied on account of payment for shares issued to a member, pursuant to a by-law of the corporation, pursuant to statutory authority or at the request of the member, or
 - (iii) the amount of a payment or transfer by the corporation that, under subsection 2 of section 58, is required to be included in computing the income of a member. R.S.O. 1970, c. 91, s. 49 (4).

Holding forth
prospect of
allocations

(4) For the purpose of this section a corporation shall be deemed to have held forth the prospect that amounts would be credited to a customer of a fiscal year by way of allocation in proportion to patronage, if,

- (a) throughout the fiscal year the statute under which the corporation was incorporated or registered, its charter, articles of association or by-laws or its contract with the customer held forth the prospect that amounts would be so credited to customers who are members or non-member customers, as the case may be; or

- (b) prior to the commencement of the fiscal year or prior to such other day as may be prescribed for the class of business in which the corporation is engaged, the corporation has published an advertisement in prescribed form in a newspaper or newspapers of general circulation throughout the greater part of the area in which the corporation carried on business holding forth that prospect to customers who are members or non-member customers, as the case may be, and has filed copies of the newspapers with the Minister before the end of the 30th day of the fiscal year or within 30 days from the prescribed day, as the case may be. R.S.O. 1970, c. 91, s. 49 (5).

(5) For greater certainty, the amount of any payment pursuant to an allocation in proportion to patronage is the amount thereof determined before deducting any amount required by subsection 3 of section 135 of the *Income Tax Act* (Canada) to be deducted or withheld from that payment. *New.*

Amount of payment to customer
1970-71, c. 63 (Can.)

(6) Where a payment pursuant to an allocation in proportion to patronage, other than an allocation in respect of consumer goods or services, has been received by a corporation, the amount of the payment shall be included in computing the recipient's income for the fiscal year in which the payment was received and, without restricting the generality of the foregoing, where a certificate of indebtedness or a share was issued to a corporation pursuant to an allocation in proportion to patronage, the amount of the payment by virtue of the issue thereof shall be included in computing the recipient's income for the fiscal year in which the certificate or share was received and not in computing its income for the fiscal year in which the indebtedness was subsequently discharged or the share was redeemed. R.S.O. 1970, c. 91, s. 49 (7).

Payment to customer to be included in income

Co-operative Corporations

113.—(1) Notwithstanding any other provision of this Act, a co-operative corporation that would, but for this section, be a private corporation shall be deemed not to be a private corporation. *New.*

Co-operative corporation deemed not to be private corporation

(2) In this section, "co-operative corporation" means a corporation that was incorporated by or under a law of Canada or a province providing for the establishment of the corporation or respecting the establishment of co-operative corporations for the purpose of marketing, including processing incident to or connected therewith, natural products belonging to or acquired from its members or customers, of purchasing

Meaning of expression "co-operative corporation"

supplies, equipment or household necessities for or to be sold to its members or customers or of performing services for its members or customers, if,

- (a) the statute by or under which it was incorporated, its charter, articles of association or by-laws or its contracts with its members or its members and customers held forth the prospect that payments would be made to them in proportion to patronage;
- (b) none of its members, except other co-operative corporations, have more than one vote in the conduct of the affairs of the corporation; and
- (c) at least 90 per cent of its members are individuals or other co-operative corporations and at least 90 per cent of its shares, if any, are held by such persons. R.S.O. 1970, c. 91, s. 48 (4).

Credit Unions

Deductions
in computing
income

114.—(1) In computing the income for a fiscal year of a credit union or a savings and credit union, in this Act referred to as a “credit union”, that is a corporation,

- (a) there may be deducted as a reserve in respect of bonds, debentures, agreements of sale, mortgages or hypothecs, in lieu of any deduction in respect thereof under clause *n* of subsection 1 of section 24, such amount as may be claimed by the credit union, not exceeding a prescribed amount;
- (b) there may be deducted as a reserve in respect of debts owing to the credit union, other than any debt described in clause *a*, in lieu of any deduction in respect thereof under clause *n* of subsection 1 of section 24, such amount as may be claimed by the credit union, not exceeding a prescribed amount;
- (c) there shall be included any amount deducted under clause *a* or *b* as a reserve in computing the credit union’s income for the immediately preceding fiscal year; and
- (d) no deduction may be made under section 35.

Payments
pursuant to
allocations in
proportion to
borrowing

(2) Notwithstanding anything in this Part, there may be deducted, in computing the income for a fiscal year of a credit union that is a corporation, the aggregate of the pay-

ments made, pursuant to allocations in proportion to borrowing, by the credit union within the fiscal year or within 12 months thereafter to members of the credit union, to the extent that such payments were not deductible under this subsection in computing the income of the credit union for the immediately preceding fiscal year.

(3) For the purposes of this Act, any annual or other periodic amount paid or payable by a credit union to a member thereof in respect of his share in the credit union, other than any such amount paid or payable as or on account of capital, shall be deemed to have been paid or payable, as the case may be, by the credit union as interest and, when received by the member, to have been received by him as interest.

Amount paid
in respect
of member's
share deemed
paid as
interest

(4) Where a payment has been received by a corporation from a credit union in a fiscal year in respect of an allocation in proportion to borrowing, the amount thereof shall, if the money so borrowed was used by the corporation for the purpose of earning income from a business or property, otherwise than to acquire property the income from which would be exempt or to acquire a life insurance policy, be included in computing the corporation's income for the fiscal year.

Member's
income

(5) In this section,

Interpre-
tation

(a) "allocation in proportion to borrowing" for a fiscal year means an amount credited by a credit union to a person who was a member of the credit union in the fiscal year on terms that the member is entitled to or will receive payment thereof, computed at a rate in relation to,

- (i) the amount of interest payable by the member on money borrowed from the credit union, or
- (ii) the amount of money borrowed by the member from the credit union;

if the amount was credited within the fiscal year or within 12 months thereafter and at the same rate in relation to the amount of interest or money, as the case may be, as the rate at which amounts were similarly credited in the fiscal year to all other members of the credit union,

(b) "credit union" means a corporation, association or federation incorporated or organized as a credit union or co-operative credit society if,

- (i) it derived its revenues primarily from,

- (A) loans made to, or cashing cheques for, members,
 - (B) bonds of, or guaranteed by, the Government of Canada or a province, or a Canadian municipality, or bonds of a municipal or public body performing a function of government in Canada,
 - (C) bonds of a corporation, commission or association not less than 90 per cent of the shares or capital of which was owned by the Government of Canada or a province or by a municipality in Canada, or
 - (D) loans made to a co-operative credit society of which it is a member, or
- (ii) the members thereof were corporations or associations,
- (A) incorporated or organized as credit unions, substantially all of which derived their revenues primarily from loans made to members or from bonds of or guaranteed by, the Government of Canada or of a province,
 - (B) incorporated, organized or registered under, or governed by a law of Canada or a province with respect to co-operatives, or
 - (C) incorporated or organized for charitable purposes,

or were corporations or associations no part of the income of which was payable to, or otherwise available for the personal benefit of, any shareholder or member thereof;

- (c) "member" of a credit union means a person who is entitled as a member or shareholder to full voting rights in the conduct of the affairs of the credit union.

Credit union
deemed not
to be private
corporation

(6) Notwithstanding any other provision of this Act, a credit union that would, but for this section, be a private corporation shall be deemed not to be a private corporation. *New.*

Insurance Corporations

115.—(1) For the purpose of this section, an “insurance corporation” or “insurer” means any corporation with or without share capital, to which section 138 of the *Income Tax Act* (Canada) applies. R.S.O. 1970, c. 91, s. 41 (1).

Interpretation

1970-71, c. 63 (Can.)

(2) Notwithstanding any other provision of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act* (Canada), it is hereby declared that for the purpose of section 8, the taxable incomes of such corporations that transact business in Ontario shall, for the purposes of this Act, be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 41 (2).

Calculation of taxable income

116. Where a life insurance corporation that is incorporated under the laws of a province has applied an amount in payment for shares of the corporation purchased by it under the authority of a law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law,

Conversion of provincial life insurance corporation into mutual corporation

- (a) section 19 does not apply to require the inclusion, in computing the income of a shareholder of the corporation of any part of that amount; and
- (b) no part of that amount shall be deemed, for the purposes of subsection 2 of section 115, to have been paid to shareholders or, for the purposes of section 78, to have been received as a dividend. R.S.O. 1970, c. 91, s. 42.

117. Notwithstanding any other provision of this Act, a life insurance corporation that is resident in Canada shall be deemed to be a public corporation. *New.*

Life insurance corporation deemed to be public corporation

DIVISION G—DEFERRED AND

OTHER SPECIAL INCOME ARRANGEMENTS

Employees Profit Sharing Plans

118.—(1) In this Act, “employees profit sharing plan” means an arrangement under which payments computed by reference to the profits from the business of a corporation or by reference to the profits from the business of a corporation and the profits, if any, from the business of a person with whom the corporation does not deal at arm’s length are made by the corporation to a trustee in trust for the benefit of officers or employees of the corporation or of a person with

“Employees profit sharing plan” defined

whom the corporation does not deal at arm's length, whether or not payments are also made to the trustee by the officers or employees, and under which the trustee has, since the commencement of the plan or the end of 1949, whichever is later, each year allocated either contingently or absolutely to individual officers or employees,

- (a) all amounts received by him from the corporation or from a person with whom the corporation does not deal at arm's length;
- (b) all profits from the trust property computed without regard to any capital gain made by the trust or capital loss sustained by it at any time since the end of 1955;
- (c) all capital gains and capital losses of the trust for fiscal years ending after 1971; and
- (d) all amounts in respect of which employees who have, after 1971, ceased to be beneficiaries under the arrangement are deemed by subsection 9 of section 144 of the *Income Tax Act* (Canada) to have made a payment on account of tax under Part I of that Act,

1970-71, c. 63
(Can.)

in such manner that the aggregate of all such amounts, profits, gains and losses, minus such portion thereof as has been paid to beneficiaries under the trust, is allocated either contingently or absolutely to officers or employees who are beneficiaries thereunder.

No tax while
trust
governed
by a plan

- (2) No tax is payable under this Part on the taxable income of a trust for a fiscal year during which the trust was governed by an employees profit sharing plan. R.S.O. 1970, c. 91, s. 51 (2).

Employer's
contribution
to trust
deductible

- (3) An amount paid by a corporation to a trustee under an employees profit sharing plan during a fiscal year or within 120 days thereafter may be deducted in computing the corporation's income for the fiscal year to the extent that it was not deductible in computing income for a previous fiscal year. R.S.O. 1970, c. 91, s. 51 (3).

Payments
out of
profits

- (4) Where the terms of an arrangement under which a corporation makes payments to a trustee specifically provide that the payments shall be made "out of profit", such arrangement shall, if the corporation has so elected under subsection 10 of section 144 of the *Income Tax Act* (Canada), be deemed

for the purpose of subsection 1, to be an arrangement for payments “computed by reference to the profits from the business of the corporation”. R.S.O. 1970, c. 91, s. 51 (4).

(5) Where an employees profit sharing plan is accepted for registration by the Minister as a deferred profit sharing plan, the fiscal year of the trust governed by the employees profit sharing plan shall be deemed to have ended immediately before the plan is deemed to have become registered as a deferred profit sharing plan pursuant to subsection 5 of section 147 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 51 (5). ^{1970-71, c. 63 (Can.)} Fiscal year of trust

Registered Supplementary Unemployment Benefit Plans

119.—(1) In this Act,

Interpre-
tation

(a) “registered supplementary unemployment benefit plan” means a supplementary unemployment benefit plan accepted by the Minister for registration for the purposes of this Act in respect of its constitution and operations for the fiscal year under consideration; and

(b) “supplementary unemployment benefit plan” means an arrangement, other than an arrangement in the nature of superannuation or pension fund or plan or an employees profit sharing plan, under which payments are made by a corporation to a trustee in trust exclusively for the payment of periodic amounts to employees or former employees of the corporation who are or may be laid off for any temporary or indefinite period. R.S.O. 1970, c. 91, s. 52 (1).

(2) The Minister shall be deemed to have accepted for registration as a supplementary unemployment benefit plan under this Act every supplementary unemployment benefit plan that is accepted for registration by the Minister of National Revenue for Canada as a supplementary unemployment benefit plan under section 145 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 52 (2). ^{Plan deemed accepted}

(3) No tax is payable under this Part by a trust upon the taxable income of the trust for a period during which the trust was governed by a registered supplementary unemployment benefit plan. R.S.O. 1970, c. 91, s. 52 (3). ^{No tax while trust governed by plan}

(4) There shall be included in computing the income for a fiscal year of a corporation that, as an employer, has made ^{Amounts received on amendment or winding-up of plan}

any payment to a trustee under a supplementary unemployment benefit plan, any amount received by the corporation in the fiscal year as a result of an amendment to or modification of the plan or as a result of the termination or winding-up of the plan. R.S.O. 1970, c. 91, s. 52 (5).

Payments
by employer
deductible

(5) An amount paid by a corporation to a trustee under a registered supplementary unemployment benefit plan during a fiscal year or within 30 days thereafter may be deducted in computing the corporation's income for the fiscal year to the extent that it was not deductible in computing income for a previous fiscal year. R.S.O. 1970, c. 91, s. 52 (4).

Deferred Profit Sharing Plans

Interpre-
tation

120.—(1) In this Act,

(a) “deferred profit sharing plan” means a profit sharing plan accepted by the Minister for registration for the purposes of this Act; and

(b) “profit sharing plan” means an arrangement under which payments computed by reference to the profits of a corporation from its business or by reference to the profits of a corporation from its business and the profits, if any, from the business of a person with whom the corporation does not deal at arm's length are or have been made by the corporation to a trustee in trust for the benefit of employees of that corporation or employees of any other person, whether or not payments are or have been also made to the trustee by the employees. R.S.O. 1970, c. 91, s. 53 (1).

Acceptance
of plan for
registration

(2) The Minister shall be deemed to have accepted for registration as a deferred profit sharing plan under this Act every profit sharing plan that is deemed to be registered by the Minister of National Revenue for Canada as a deferred profit sharing plan under section 147 of the *Income Tax Act* (Canada), and such plan shall be deemed to have been registered by the Minister on the same date as it is deemed to be registered as a deferred profit sharing plan under subsection 5 of section 147 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 53 (2).

1970-71, c. 63
(Can.)

Deferred
plan not
employees
profit
sharing plan

(3) For a fiscal year during which a plan is a deferred profit sharing plan, the plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan. R.S.O. 1970, c. 91, s. 53 (4).

(4) No tax is payable under this Part on the taxable income of the trust for a fiscal year during which the trust was governed by a deferred profit sharing plan. R.S.O. 1970, c. 91, s. 53 (5). No tax while trust governed by plan

(5) There may be deducted in computing the income of a corporation for a fiscal year the aggregate of each amount paid by the corporation in the fiscal year or within 120 days after the end of the fiscal year, to a trustee under a deferred profit sharing plan for the benefit of employees of the corporation who are beneficiaries under the plan, not exceeding, however, in respect of each individual employee in respect of whom the amounts so paid by the corporation were paid by it, an amount equal to the least of, Amount of employer's contribution deductible

- (a) the aggregate of each amount so paid by the corporation in respect of that employee;
- (b) \$2,500 minus the amount, if any, deductible under clause s of subsection 1 of section 24 in respect of that employee in computing the income of the corporation for the fiscal year; and
- (c) 20 per cent of the salary or wages paid in the fiscal year to the employee by the corporation,

to the extent that such amount was not deductible in computing the income of the employer for a previous fiscal year. R.S.O. 1970, c. 91, s. 53 (6), *amended*.

(6) Notwithstanding subsection 5, the amount that a corporation is entitled to deduct under subsection 5 in computing its income for a fiscal year shall be neither more nor less than the amount that it deducts and is allowed as a deduction in computing its income for the same fiscal year under subsections 8 and 9 of section 147 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 53 (7). Limitation on deduction 1970-71, c. 63 (Can.)

(7) Where funds or property of a trust governed by a deferred profit sharing plan have been appropriated in any manner whatsoever to or for the benefit of a corporation that is, Appropriation of trust property by employer

- (a) an employer by whom payments are made in trust to a trustee under the plan; or
- (b) a corporation with whom that employer does not deal at arm's length,

otherwise than in payment of or on account of shares of the capital stock of either that employer or the corporation, as

the case may be, purchased by the trust, the amount or value of the funds or property so appropriated shall be included in computing the income of the employer or the corporation, as the case may be, for the fiscal year in which the funds or property were so appropriated, unless such funds or property or an amount in lieu thereof equal to the amount or value of such funds or property were repaid to the trust within one year from the end of the fiscal year, and it is established by subsequent events or otherwise that the repayment was not made as part of a series of appropriations and repayments. R.S.O. 1970, c. 91, s. 53 (8).

Revocation of
registration

1970-71, c. 63
(Can.)

(8) The Minister shall be deemed to have revoked the registration of a profit sharing plan as a deferred profit sharing plan as and when the Minister of National Revenue for Canada revokes it under subsection 14 of section 147 of the *Income Tax Act* (Canada). R.S.O. 1970, c. 91, s. 53 (3).

Rules
applicable
to revoked
plan

(9) Where the Minister is deemed to have revoked the registration of a profit sharing plan as a deferred profit sharing plan under subsection 8, the plan, hereinafter referred to as the "revoked plan", shall be deemed, for the purposes of this Act, not to be a deferred profit sharing plan, and, notwithstanding any other provision of this Act, the following rules shall apply,

- (a) subsection 4 does not apply to exempt the trust governed by the plan from tax under section 8 upon the taxable income of the trust for a fiscal year in which, at any time therein, the trust was governed by the revoked plan;
- (b) no deduction shall be made by a corporation in computing its income for a fiscal year in respect of an amount paid by it under the plan at a time when it was a revoked plan;
- (c) there shall be included in computing the income of a corporation for a fiscal year the amount or value of any funds or property appropriated to or for the benefit of the corporation in the fiscal year that, by virtue of subsection 7, would have been so included if the revoked plan had been a deferred profit sharing plan at the time of the appropriation of the funds or property;
- (d) the revoked plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan. R.S.O. 1970, c. 91, s. 53 (9).

(10) Where the terms of an arrangement under which a corporation makes payments to a trustee specifically provide that the payments shall be made "out of profits", such arrangement shall be deemed, for the purpose of clause *b* of subsection 1 to be an arrangement for payments "computed by reference to the profits of a corporation from its business". R.S.O. 1970, c. 91, s. 53 (10). Payments
out of
profits

Life Insurance Policies

121. Where the provisions of subsection 2 of section 142 of the *Income Tax Act* (Canada) or section 148 of that Act apply to a corporation, it is hereby declared that the amount to be included in its income for a fiscal year for the purposes of this section shall be the same as is required to be included for the purposes of subsection 2 of section 142 of the *Income Tax Act* (Canada) or section 148 of that Act for the same fiscal year. Amounts
included in
computing
policy-
holder's
income
1970-71, c. 63
(Can.)

DIVISION H—EXEMPTIONS

122.—(1) No tax is payable under this Part upon the taxable income of a corporation for a period when that corporation was, Exemptions:

- (a) a municipality in Canada, or a municipal or public body performing a function of government in Canada; R.S.O. 1970, c. 91, s. 5 (42) (a). Municipal
authorities
- (b) a corporation, commission or association not less than 90 per cent of the shares or capital of which was owned by Her Majesty in right of Canada or a province or by a Canadian municipality, or a wholly-owned corporation subsidiary to such a corporation, commission or association but this clause does not apply, Municipal
or provincial
corporations
 - (i) to such corporation, commission or association if a person other than Her Majesty in right of Canada or a province or a Canadian municipality had, during the period, a right under a contract, in equity or otherwise either immediately or in the future and either absolutely or contingently, to, or to acquire, shares or capital of that corporation, commission or association, and
 - (ii) to such wholly-owned subsidiary corporation if a person other than Her Majesty in right of Canada or a province or a Canadian municipality had, during the period, a right under a contract, in equity or otherwise, either immedi-

ately or in the future and either absolutely or contingently, to, or to acquire, shares or capital of that wholly-owned subsidiary corporation or of the corporation, commission or association of which it is a wholly-owned subsidiary corporation; R.S.O. 1970, c. 91, s. 5 (42) (b).

Certain
organizations

- (c) an agricultural organization, a board of trade or a chamber of commerce, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof; R.S.O. 1970, c. 91, s. 5 (42) (c).

Charitable
organizations

- (d) a charitable organization all the resources of which were devoted to charitable activities carried on by the organization itself and no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof; R.S.O. 1970, c. 91, s. 5 (42) (d).

Non-profit
corporation

- (e) a corporation that was constituted exclusively for charitable purposes, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not, since June 1, 1950, acquired control of any other corporation and that, during the period,

(i) did not carry on any business,

(ii) had no debts incurred since June 1, 1950, other than obligations arising in respect of salaries, rents and other current operating expenses, and

(iii) except in the case of a corporation that was, before 1940, constituted exclusively for charitable purposes, expended amounts each of which is,

(A) an expenditure in respect of charitable activities carried on by the corporation itself,

(B) a gift to an organization in Canada the income of which for the period is exempt from tax under this Part by virtue of clause d,

(C) a gift to a corporation resident in Canada the income of which for the period is exempt from tax under this Part by virtue of this clause, or

(D) a gift to Her Majesty in right of Canada or a province or to a Canadian municipality,

and the aggregate of which is not less than 90 per cent of the corporation's income for the period; R.S.O. 1970, c. 91, s. 5 (42) (e).

(f) a corporation that was constituted exclusively for the purpose of providing low-cost housing accommodation for the aged, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof; R.S.O. 1970, c. 91, s. 5 (42) (g). Certain housing corporations

(g) a corporation that was constituted exclusively for the purpose of carrying on or promoting scientific research, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not acquired control of any other corporation and that, during the period, Non-profit corporation for scientific research

(i) did not carry on any business, and

(ii) expended amounts in Canada each of which is,

(A) an expenditure on scientific research directly undertaken by or on behalf of the corporation, or

(B) a payment to an association, university, college or research institution, described in subclause ii or iii of clause *a* of subsection 1 of section 39 to be used for scientific research,

and the aggregate of which is not less than 90 per cent of the corporation's income for the period; R.S.O. 1970, c. 91, s. 5 (42) (f).

(h) a labour organization or society or a benevolent or fraternal benefit society or order; R.S.O. 1970, c. 91, s. 5, (42) (h). Labour organizations

Non-profit
organizations

(i) a club, society or association organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof; R.S.O. 1970, c. 91, s. 5 (42) (i).

Mutual
insurance
corporations

(j) a mutual insurance corporation that received its premiums wholly from the insurance of churches, schools or other charitable organizations; R.S.O. 1970, c. 91, s. 5 (42) (j).

Housing
corporation

(k) a limited dividend housing corporation within the meaning of that expression as defined by the *National Housing Act* (Canada); R.S.O. 1970, c. 91, s. 5 (42) (k).

R.S.C. 1970,
c. N-10

Pension
corporation

(l) a corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan; R.S.O. 1970, c. 91, s. 5 (42) (l).

Farmers' and
fishermen's
insurers

(m) an insurer, who was engaged during the period in no business other than insurance, if, in the opinion of the Minister on the advice of the Superintendent of Insurance, 50 per cent of its gross premium income for the period was in respect of the insurance of farm property, property used in fishing or residences of farmers or fishermen. R.S.O. 1970, c. 91, s. 5 (42) (s).

Income not
to include
taxable
capital
gains

(2) For the purposes of clauses c to g inclusive of subsection 1 and clause i of subsection 1, in computing the part, if any, of any income that was payable to or otherwise available for the personal benefit of any corporation or the aggregate of any amounts that is not less than a percentage specified in any of those clauses of any income for a period, the amount of such income shall be deemed to be the amount thereof otherwise determined less the amount of any taxable capital gains included therein. *New.*

subs. 1 not
applicable

(3) Subsection 1 does not apply in respect of the taxable income of a benevolent or fraternal benefit society or order from carrying on a life insurance business. R.S.O. 1970, c. 91, s. 5 (43).

Idem

(4) For the purposes of subsection 3, the taxable income of a benevolent or fraternal benefit society or order from carrying on a life insurance business shall be computed on the

assumption that it had no income or loss from any other sources. R.S.O. 1970, c. 91 s. 5 (44).

(5) Where it is necessary for the purpose of this section to ascertain the taxable income of a corporation for a period that is a part of a fiscal year, the taxable income for the period shall be deemed to be the proportion of the taxable income for the fiscal year that the number of days in the period is of the number of days in the fiscal year. R.S.O. 1970, c. 91, s. 5 (45). Apportionment rule

(6) For the purpose of clause *e* of subsection 1,

(a) a corporation is controlled by another corporation if more than 50 per cent of its issued share capital, having full voting rights under all circumstances, belongs to, When deemed not to have acquired control of another corporation

(i) the other corporation, or

(ii) the other corporation and persons with whom the other corporation does not deal at arm's length,

but the corporation shall be deemed not to have acquired control of another corporation if it has not purchased, or otherwise acquired for a consideration, any of the shares in the capital stock of that other corporation;

(b) there shall be included in computing a corporation's income all gifts received by the corporation other than, Gifts

(i) a gift received subject to a trust or direction that the property given, or property substituted therefor, is to be held permanently by the corporation for the purpose of gaining or producing income therefrom, or

(ii) a gift or a portion of a gift in respect of which it is established that the donor has not been allowed a deduction under clause *a* of subsection 1 of section 98 or a gift made by a person who was not taxable under section 2 of the *Income Tax Act* (Canada) for the fiscal year in which the gift was made. R.S.O. 1970, c. 91, s. 5 (46). 1970-71, c. 63 (Can.)

(7) For the purpose of clause *g* of subsection 1,

Idem

(a) a corporation is controlled by another corporation if more than 50 per cent of its issued share capital,

having full voting rights under all circumstances, belongs to,

(i) the other corporation, or

(ii) the other corporation and persons with whom the other corporation does not deal at arm's length,

but a corporation shall be deemed not to have acquired control of a corporation if it has not purchased, or otherwise acquired for a consideration, any of the shares in the capital stock of that corporation; and

(b) there shall be included in computing a corporation's income all gifts received by the corporation and all amounts contributed to the corporation to be used for scientific research. R.S.O. 1970, c. 91, s. 5 (47).

Rules

(8) In computing the income of a corporation for the purpose of determining whether it is described by clause *e* or *g* of subsection 1 for a fiscal year,

(a) there may be deducted an amount not exceeding its income for the year preceding the fiscal year computed without including or deducting any amount under this subsection; and

(b) there shall be included any amount that has been deducted under this subsection for the immediately preceding fiscal year. R.S.O. 1970, c. 91, s. 5 (48).

Election by charitable corporation

(9) For the purpose of determining whether a corporation has complied with the requirements of subclause iii of clause *e* of subsection 1 or subclause ii of clause *g* of subsection 1 for its first fiscal year after its incorporation, the whole or any part of amounts expended by it in the immediately subsequent fiscal year shall, if it so elects, be deemed to have been expended by it in the first fiscal year and not in the subsequent fiscal year. R.S.O. 1970, c. 91, s. 5 (49).

PART III

DIVISION A—LIABILITY FOR CAPITAL TAX

Liability for capital tax

123. Except as otherwise provided in this Part, every corporation that is liable to the taxes imposed under this Act shall pay a capital tax as hereinafter required,

- (a) in the case of a corporation to which subsection 1 of section 2 applies, upon its taxable paid-up capital determined in accordance with Division B of this Part; and
- (b) in the case of a corporation to which clause *a* or *b* of subsection 2 or 3 of section 2 applies, upon its taxable paid-up capital employed in Canada determined in accordance with Division C of this Part. R.S.O. 1970, c. 91, s. 4 (1), *amended*.

124. Except as provided in section 125, the taxable paid-up ^{Taxable paid-up capital} capital of a corporation shall be measured as at the close of the fiscal year for which the tax imposed by section 123 is levied and is its taxable paid-up capital determined under Division B of this Part. R.S.O. 1970, c. 91, s. 69.

125. Notwithstanding section 124, the taxable paid-up ^{Idem} capital of a corporation that is liable to the taxes imposed under this Act by virtue of clause *a* or *b* of subsection 2 or 3 of section 2, referred to in this Part as “taxable paid-up capital employed in Canada”, shall be measured as at the close of the fiscal year for which the tax imposed by section 123 is levied and is its taxable paid-up capital employed in Canada determined under Division C of this Part. R.S.O. 1970, c. 91, s. 6 (17).

DIVISION B—COMPUTATION OF TAXABLE PAID-UP CAPITAL

126. The paid-up capital of a corporation for a fiscal year ^{World paid-up capital} is its paid-up capital as it stood at the close of the fiscal year and includes,

- (a) the paid-up capital stock of the corporation;
- (b) its earned, capital and any other surplus;
- (c) all its reserves, whether created from income or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of Part II, except clause *p* of subsection 1 of section 24 thereof;
- (d) all sums or credits advanced or loaned to the corporation by its shareholders directly or indirectly or by any other corporation, excluding such sums or credits of a non-capital nature advanced or loaned to the corporation by a bank; and
- (e) all its indebtedness, whether assumed or undertaken by it, represented by bonds, bond mortgages, de-

bentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property of the corporation or any of it is subject. R.S.O. 1970, c. 91, s. 70, *amended*.

Deductions
from paid-up
capital

127.—(1) For the purpose of computing the taxable paid-up capital of a corporation for a fiscal year, there may be deducted from its paid-up capital as at the close of the fiscal year such of the following amounts as are applicable,

Goodwill

- (a) the amount of the goodwill or other intangible thing included as an asset to the extent that such goodwill or other intangible thing in the opinion of the Minister has no value, but this deduction applies to no more than 50 per cent of the book value of such goodwill or other intangible thing;

Discount on
shares
R.S.O. 1970,
c. 89

- (b) the amount of the discount allowed on the sale of the shares of a corporation to which Part IV of *The Corporations Act* applies;

Investments

- (c) the amount that equals that proportion of the paid-up capital remaining after the deduction of the amounts provided by clauses *a* and *b* which the cost of the investments made by the corporation in the shares and bonds of other corporations, in loans and advances to other corporations and in the bonds, debentures and other securities of any government, municipal or school corporation bears to the total assets of the corporation remaining after the deductions of the amounts provided by clauses *a* and *b*, but cash on deposit with any corporation doing the business of a savings bank and amounts due by a corporation with its head office outside Canada to a subsidiary controlled corporation or a subsidiary wholly-owned corporation taxable under this Part shall be deemed not to be loans and advances to other corporations;

Capital
held in
mining

- (d) in the case of a corporation engaged in mining, the amount that equals that proportion of the paid-up capital remaining after the deduction of the amounts provided by clauses *a*, *b* and *c* which the total of,

(i) the amount held or used in the survey for exploration and development of minerals,

(ii) the amount invested in the mine as defined by *The Mining Tax Act*,

R.S.O. 1970,
c. 275

(iii) the amount invested in the plant and works necessary to and forming part of such mine, and

(iv) the amount invested in the plant and works necessary for the refinement of the ore taken from the mine,

bears to the total assets remaining after the deduction of the amounts provided by clauses *a*, *b* and *c*. R.S.O. 1970, c. 91, s. 71 (1).

(2) For the purpose of this Part, “any other surplus”, ^{Interpre-} “total assets” and “cost of investments” includes any amount, ^{tation}

(a) by which any asset of a corporation is carried in its books of account or on its balance sheet in excess of the cost thereof;

(b) by which the value of an asset of a corporation has been written down and deducted from its income or undivided profits where such amount is not deductible under Part II;

(c) the original cost of any asset to which subclause ii, iii or iv of clause *d* of subsection 1 applies,

and excludes any amount,

(d) by which the value of an asset of a corporation has been written down and deducted from its income or undivided profits where such amount is deductible under the provisions of Part II except clause *p* of subsection 1 of section 24 thereof. R.S.O. 1970, c. 91, s. 71 (2), *amended*.

(3) In computing taxable paid-up capital or taxable paid-up ^{Artificial} capital employed in Canada, as the case may be, no reduction may be made with respect to any transaction that, if permitted, would unduly or artificially reduce the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be. *New.*

DIVISION C—COMPUTATION OF TAXABLE PAID-UP CAPITAL EMPLOYED IN CANADA OF NON-RESIDENT

128. Notwithstanding section 126, the paid-up capital ^{Paid-up} employed in Canada of a corporation that is liable to the ^{capital} taxes imposed under this Act by virtue of clause *a* or *b* of ^{employed} subsection 2 or 3 of section 2, shall be deemed to be either, ^{in Canada} ^{of non-} ^{resident}

- (a) the amount of which its taxable income earned in Canada determined for the purposes of this Act would be 8 per cent ; or
- (b) the amount by which,
 - (i) the amount of the total assets of the corporation in Canada exceeds,
 - (ii) the amount of the indebtedness of the corporation relating to its permanent establishments in Canada but excluding therefrom all amounts that are advanced or loaned to its permanent establishments in Canada by the corporation itself or by any other corporation or its shareholders directly or indirectly excluding such amounts of a non-capital nature advanced or loaned to the corporation by a bank, and all other indebtedness that is represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property in Canada or any of it is subject,

whichever is greater and in such case, this section shall apply as though,

- (c) the corporation had no permanent establishment outside Canada ;
- (d) the paid-up capital employed in Canada as so determined were the total paid-up capital of the corporation ; and
- (e) the taxable paid-up capital employed in Canada were allocated among the provinces and territories of Canada as prescribed by the regulations. R.S.O. 1970, c. 91, s. 6 (17), *amended*.

Taxable
paid-up
capital
employed
in Canada

129. The taxable paid-up capital employed in Canada of a corporation to which this Division applies is its paid-up capital employed in Canada determined under section 128 minus the aggregate of such of the deductions permitted under section 127 as may reasonably be considered wholly applicable on the assumption that the only assets of the corporation were assets pertaining exclusively to its permanent establishments in Canada. R.S.O. 1970, c. 91, s. 6 (17), *amended*.

Idem

130. In computing the paid-up capital employed in Canada of a corporation for the purpose of this Part there shall not be included the amount of the paid-up capital invested in a ship

or aircraft operated by such corporation in Canada if such corporation is entitled, in computing its income for a fiscal year, to exclude the income for a fiscal year earned in Canada from the operation of such ship or aircraft under clause *c* of subsection 1 of section 75. R.S.O. 1970, c. 91, s. 71 (3).

DIVISION D—COMPUTATION
OF CAPITAL TAX PAYABLE

131. The tax payable by a corporation under this Part upon its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, in this section referred to as the “amount taxable”, is one-tenth of 1 per cent of the amount taxable. R.S.O. 1970, c. 91, s. 6 (1). Rate of
general
capital tax

132. There may be deducted from the tax otherwise payable under this Part by a corporation for a fiscal year an amount equal to one-tenth of 1 per cent of that portion of the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations. R.S.O. 1970, c. 91, s. 6 (4). Deduction
from tax
on paid-up
capital

133. Notwithstanding section 132, and except as provided in subsection 1 of section 135, the tax payable under this Part shall in no case be less than \$50. R.S.O. 1970, c. 91, s. 6 (2). Minimum
tax

134. The tax imposed by this Part is not payable by any corporation that is liable to a tax under section 138, 139, 140, 141, 142 or 143 or by any corporation that is liable to the taxes imposed under this Act by virtue only of clause *c* of subsection 2 or 3 of section 2. R.S.O. 1970, c. 91, s. 6 (3). Exemptions

135.—(1) Except as provided in subsection 1 of section 30 every corporation referred to in clauses *b*, *c*, *d*, *e*, *f*, *g*, *h*, *i*, *k*, *l* and *m* of subsection 1 of section 122 shall, in lieu of the taxes payable under section 131 or 133 pay a tax of \$5. R.S.O. 1970, c. 91, s. 6 (18), *amended*. Idem

(2) Every corporation referred to in clause *j* of subsection 1 of section 122 and every corporation referred to in section 114 shall, in lieu of the tax payable under section 131 or 133, pay a tax of \$50. R.S.O. 1970, c. 91, s. 6 (19), *amended*. Idem

136. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under this Part shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply, Apportion-
ment of
capital tax

- (a) to any corporation to which section 133 or 135 applies; or
- (b) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act. R.S.O. 1970, c. 91, s. 7.

Idem

137. Where the exemption under section 122 applies to a part of a fiscal year only, the provisions of subsections 1 and 2 of section 135 do not apply, and in any such case the tax otherwise payable under this Part shall be in the proportion thereof that the number of days of the fiscal year for which the exemption under subsection 1 of section 122 does not apply, bears to 365, except that the tax payable under this Part as reduced by this section shall in no case be less than \$50. *New.*

PART IV

LIABILITY FOR SPECIAL TAXES

Banks,
taxes on
paid-up
capital

138.—(1) Every bank shall for every fiscal year thereof pay,

- (a) a tax of one-fifth of 1 per cent of the paid-up capital stock thereof and one-tenth of 1 per cent on the reserve fund and undivided profits thereof;
- (b) an additional tax of \$3,000 for the principal office in Ontario and \$200 for each additional office, branch or agency in Ontario, but in the case of such additional offices, branches and agencies that were open during the fiscal year fewer than 250 days, one tax of \$200 shall apply for each 250 days or fraction thereof that such offices, branches and agencies were open. R.S.O. 1970, c. 91, s. 8 (1).

Reduction
in certain
cases

(2) Where the head office of a bank is outside Ontario and where it has not more than five offices, branches and agencies in Ontario, the Minister, having regard to the amount of business transacted in Ontario, may reduce the amount of tax imposed by clause *a* of subsection 1, but such tax shall in no case be less than one-tenth of 1 per cent calculated on one-half of the paid-up capital stock. R.S.O. 1970, c. 91, s. 8 (2).

Railways,
mileage tax

139.—(1) Every corporation that operates or uses a railway shall for every fiscal year thereof pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$40 per mile for each additional track, operated or used in any municipality in Ontario, and of \$40 per mile

for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, in territory without municipal organization in Ontario, but a corporation that operates or uses a railway that, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, does not exceed 150 miles in length from terminal to terminal, whether or not one or both of such terminals are outside Ontario, shall, in lieu of such tax, pay a tax of \$15 per mile for one track in Ontario, and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario, and, where the railway or system does not exceed thirty miles in length between such terminals, a tax of \$10 per mile for one track in Ontario and, where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario. R.S.O. 1970, c. 91, s. 9 (1).

(2) In addition to the tax imposed by subsection 1, every corporation that operates or uses a railway that, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, exceeds 150 miles in length from terminal to terminal, whether or not one or both of such terminals are outside Ontario, shall for every fiscal year of the corporation pay a tax of \$25 per mile for one track in Ontario, and, where the line consists of two or more tracks, of \$20 per mile for each additional track in Ontario. R.S.O. 1970, c. 91, s. 9 (2).

(3) Switches, spurs and sidings shall not be included in the measurement of track for the purposes of this section. R.S.O. 1970, c. 91, s. 9 (3).

140. Every corporation that owns, operates or uses a line or a part of a line of telegraph in Ontario for gain, including every corporation that owns, operates or uses a railway, shall for every fiscal year of the corporation pay a tax of 1 per cent upon the total amount of money invested by the corporation in such line or part thereof and the plant and works connected therewith; provided that a corporation that owns and a corporation that operates and uses any such line or part thereof are liable jointly and severally for the payment of such tax, but the total amount payable in respect of such line or part thereof and the works and plant connected therewith shall not exceed the total amount of tax imposed under this section, notwithstanding that the line or part thereof is owned, operated or used by more than one corporation. R.S.O. 1970, c. 91, s. 10.

Express
companies,
special tax

141. Every corporation that carries on the business of an express company over a railway in Ontario, including a corporation that owns, operates or uses a railway, shall for every fiscal year of the corporation pay a tax of \$800 for each 100 miles or fraction thereof up to but not exceeding a tax of \$10,000. R.S.O. 1970, c. 91, s. 11.

Car
companies,
special tax

142. Every corporation, except a corporation that owns, operates or uses a railway, that transacts in Ontario the business of operating, leasing or hiring sleeping or parlour or dining cars run upon or used upon any railway in Ontario, shall, for every fiscal year of the corporation, pay a tax of 1 per cent calculated upon the money invested in such cars in use in Ontario. R.S.O. 1970, c. 91, s. 12.

Insurance
companies

143.—(1) Every insurance corporation shall pay a tax of 2 per cent calculated on the gross premiums that become payable to the corporation or its agent or agents during the fiscal year in respect of business transacted in Ontario, other than premiums in respect of re-insurance ceded to the corporation by other insurance corporations and considerations for annuities, after deducting from such premiums,

(a) cash value of dividends credited to policyholders;

(b) premiums returned. R.S.O. 1970, c. 91, s. 13 (1).

Idem

R.S.O. 1970,
c. 224

(2) In addition to the tax payable under subsection 1, every corporation transacting business as an insurer for property insurance within the meaning of *The Insurance Act* and the regulations made thereunder shall pay a tax of one-half of 1 per cent calculated on the gross premiums that become payable to the corporation or its agent or agents during the fiscal year in respect of such business transacted in Ontario other than premiums in respect of re-insurance ceded to the corporation by other insurers after deducting from such premiums,

(a) cash value of dividends credited to policyholders;

(b) premiums returned. *New.*

Premiums
in respect of
business
transacted
in Ontario

(3) In determining the amount of taxes payable under subsections 1 and 2,

(a) every life insurance premium that becomes payable at the time the person insured is a resident of Ontario; and

(b) every other premium that by the terms of the policy or renewal thereof becomes payable in respect

of insurance of a person resident or property situate in Ontario at the time such premium becomes payable whether or not,

- (i) such premium is earned wholly or partly in Ontario,
- (ii) the business in respect of the policy is transacted wholly or partly in Ontario, or
- (iii) the payment of such premium is made wholly or partly in Ontario,

shall be deemed to be a premium payable in respect of business transacted in Ontario. R.S.O. 1970, c. 91, s. 13 (2).

(4) The tax imposed by subsection 1 is not payable in ^{Exemptions} respect of premiums payable under a contract of marine insurance or by,

- (a) mutual insurance corporations insuring agricultural and other non-hazardous risks on the premium note plan, the sole business of which is carried on in Ontario;
- (b) fraternal societies and mutual benefit societies as defined in *The Insurance Act*; or R.S.O. 1970,
c. 224
- (c) pension fund and employees' mutual benefit societies incorporated under or subject to *The Corporations Act*. R.S.O. 1970,
c. 89 R.S.O. 1970, c. 91, s. 13 (3).

(5) In this section, "marine insurance" means insurance ^{Marine insurance} against marine losses, that is to say, the losses incident to marine adventure, and may by the express terms of a contract or by usage of trade extend so as to protect the insured against losses on inland waters or by land or air which are incidental to any sea voyage. R.S.O. 1970, c. 91, s. 13 (4).

(6) Where it is established to the satisfaction of the Lieutenant Governor in Council that any jurisdiction discriminates unfairly by imposing taxes, fees and other monetary obligations on any insurance corporation or any particular class of insurance corporations organized under the laws of Canada or of Ontario and having their principal offices in Ontario that in the aggregate are in excess of comparable taxes, fees and monetary obligations imposed on any similar corporation or class of corporations organized under the laws of such jurisdiction, the Lieutenant Governor in Council may direct that any corporation or any class of corporations Unfair discrimination

organized under the laws of such jurisdiction and that transacts business in Ontario shall pay, in addition to the tax otherwise imposed by this section, a tax not exceeding the equivalent of such excess, and such additional tax is recoverable in the same manner as any other tax imposed by this Act. R.S.O. 1970, c. 91, s. 13 (5).

Fiscal year

(7) For the purposes of this Act, the fiscal year of every insurance corporation shall be deemed to end on the 31st day of December. R.S.O. 1970, c. 91, s. 13 (6).

Idem

144. Where a corporation has a fiscal year of less than 365 days the tax otherwise payable by it under this Part shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply to any corporation to which the provisions of section 143 applies. R.S.O. 1970, c. 91, s. 7.

PART V

RETURNS, PAYMENTS, ASSESSMENTS AND APPEALS

DIVISION A—RETURNS

Annual
return

145.—(1) Every corporation on which a tax is imposed by this Act shall, on or before the last day of the month that ends six months following the close of its fiscal year, without notice or demand, and every corporation on which a tax is or is not imposed by this Act shall, upon receipt of a notice or demand in writing from the Minister or from any officer of the Ministry of Revenue authorized by the Minister to make such demand, deliver to the Minister such return as is required for the purpose of carrying out the provisions of this Act. R.S.O. 1970, c. 91, s. 73 (1).

Verification
of returns

(2) The return shall contain an estimate of the respective taxes payable and shall be verified by a certificate certifying that the financial statements included in the return or attached thereto are in agreement with the books of the corporation, and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the corporation and, in the case of an extra-provincial corporation, by the manager or chief agent of the corporation in Ontario or by such other person or persons connected with the corporation as the Minister requires. R.S.O. 1970, c. 91, s. 73 (2).

Penalty
for default

146.—(1) Every corporation that fails to deliver a return as and when required by subsection 1 of section 145 shall pay a penalty of,

- (a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be delivered, if the tax payable by the corporation for the fiscal year that was unpaid at that time was less than \$10,000; and
- (b) \$500, if at the time the return was required to be delivered tax payable by the corporation equal to \$10,000 or more was unpaid.

(2) Every corporation that fails to complete the information ^{Failure to complete return} required on the return to be delivered under subsection 1 of section 145 is liable to a penalty of 1 per cent of the taxes payable by it under this Act, but such penalty shall not in any case be less than \$20 or more than \$100. R.S.O. 1970, c. 91, s. 74 (2).

(3) Every person who has,

False statements

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer delivered or made as required by or under this Act or the regulations;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a corporation;
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a corporation;
- (d) wilfully in any manner evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit an offence described by clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both fine and imprisonment. R.S.O. 1970, c. 91, s. 74 (3).

Statements
or omissions
in return

(4) Where a person, acting or purporting to act on behalf of a corporation, knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or the regulations, as a result of which the tax that would have been payable by the corporation for a fiscal year, if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer, is less than the tax payable by the corporation for the fiscal year, the corporation is liable to a penalty of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable by the corporation for the fiscal year. R.S.O. 1970, c. 91, s. 74 (4).

Extended
time for
making
returns

147. The Minister may enlarge the time for making any return before or after the time for making it. R.S.O. 1970, c. 91, s. 75.

DIVISION B—PAYMENTS

Taxes,
when to
accrue

148.—(1) The taxes imposed by this Act shall be deemed to accrue proportionately as the days of each fiscal year for which such taxes are imposed pass. R.S.O. 1970, c. 91, s. 76 (1).

Dates of
payment

(2) Every corporation on which a tax is imposed by this Act shall pay to the Treasurer of Ontario,

(a) on or before the fifteenth day of each of the fifth, eighth and eleventh months of the fiscal year in respect of which the tax is payable and on or before the fifteenth day of the second month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one-quarter of the tax payable as estimated by it at the rates for the fiscal year on,

(i) its estimated taxable income and other subject of tax for the fiscal year, or

(ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and

(b) on or before the last day on which a return is required to be delivered under subsection 1 of section 145, the balance, if any, of the tax payable as estimated by it on the return for the fiscal year. R.S.O. 1970, c. 91, s. 76 (2).

(3) Notwithstanding subsection 2, every corporation on which a tax is imposed by this Act, the fiscal year of which commenced after the 15th day of March, 1969, shall pay to the Treasurer of Ontario,

Dates of
payment

(a) on or before the fifteenth day of each of the third, fifth, seventh, ninth and eleventh months of the fiscal year in respect of which the tax is payable and on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one-sixth of the tax payable as estimated by it at the rates for the fiscal year on,

(i) its estimated taxable income and other subject of tax for the fiscal year, or

(ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and

(b) on or before the last day on which a return is required to be delivered under subsection 1 of section 145, the balance, if any, of the tax payable as estimated by it on the return for the fiscal year. R.S.O. 1970, c. 91, s. 76 (3).

(4) Notwithstanding subsections 2 and 3 and subject to subsection 5 of section 149, where for the purposes of this section any corporation estimates the amount of tax payable for a fiscal year to be less than \$300, the corporation may, instead of paying the instalments required by subsection 2 or 3, pay such tax on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable. R.S.O. 1970, c. 91, s. 76 (4).

Special
cases

149.—(1) Where the amount paid on account of tax payable by a corporation for a fiscal year before the expiration of the time allowed for delivering of the return of the corporation under section 145 is less than the amount of tax payable for the fiscal year, the corporation liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for delivering the return to the date of payment at such rate as is prescribed by the regulations. R.S.O. 1970, c. 91, s. 77 (1).

Interest
on unpaid
tax

(2) Where a corporation is required by subsection 2, 3 or 4 of section 148 to pay all or a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest, at such rate as is prescribed

Idem

by the regulations, on the amount it failed to pay from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier. R.S.O. 1970, c. 91, s. 77 (2).

Idem

(3) Where the Minister has reassessed the tax payable for a fiscal year under subsection 4 of section 150 and the tax payable is greater than the tax previously assessed for that fiscal year, the interest payable under subsection 2 and the penalty under subsection 1 of section 146 shall be assessed in accordance with the provisions of subsection 1 of section 150 provided,

- (a) that the provisions of this subsection shall not apply where subsection 3 or 4 of section 146 apply; and
- (b) the provisions of this subsection shall apply only with respect to instalments of tax due and payable before the thirtieth day following the date of such reassessment. *New.*

Effect of
carry-back
of loss

(4) Where a corporation is entitled to deduct under subsection 1 of section 99 in computing its taxable income for a taxation year an amount in respect of a loss sustained in the fiscal year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", for the purpose of computing interest and penalty interest under this section on tax or a part or instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the corporation were not entitled to deduct an amount under subsection 1 of section 99 in respect of that loss. R.S.O. 1970, c. 91, s. 77 (3).

Interest
on unpaid
tax

(5) For the purposes of calculating interest under subsection 2, where a corporation is required to pay a part or instalment of tax for a fiscal year as estimated by it on its taxable income and other subject of tax for a preceding fiscal year or on its estimated taxable income and other subject of tax for the fiscal year, it shall be deemed to have been liable to pay a part or instalment computed by reference to the taxable income and other subject of tax for,

- (a) the preceding fiscal year; or
- (b) the fiscal year,

whichever is the lesser. R.S.O. 1970, c. 91, s. 77 (4).

DIVISION C—ASSESSMENTS

150.—(1) The Minister shall with all due despatch examine each return delivered under section 145 and assess the tax for the fiscal year and the interest and penalties if any payable. R.S.O. 1970, c. 91, s. 78 (1). ^{Assessment of returns}

(2) After examination of a return, the Minister shall send by mail or by registered mail or deliver by personal service a notice of assessment to the corporation that delivered the return. R.S.O. 1970, c. 91, s. 78 (2). ^{Notice of assessment}

(3) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. R.S.O. 1970, c. 91, s. 78 (3). ^{Continuation of liability for tax}

(4) The Minister may at any time assess tax, interest or penalties, or notify in writing any person by whom a return of income or other subject of tax for a fiscal year has been filed that no tax is payable for the fiscal year, and may, ^{Reassessment}

(a) at any time, if the corporation or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or supplying any information under this Act, or

(ii) has failed to file financial statements with the return required to be filed under section 145, or

(iii) has been negligent in supplying any information under this Act, or

(iv) has filed with the Minister a waiver in a prescribed form within six years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a fiscal year, or

(v) has claimed a deduction under clause *u* of subsection 1 of section 24; and

(b) within six years from the day referred to in sub-clause iv of clause *a*, in any other case,

reassess or make additional assessments or assess tax, interest or penalties, as the circumstances require. R.S.O. 1970, c. 91, s. 78 (4).

Idem

(5) Where a corporation has delivered the return required by section 145 for a fiscal year and, within one year from the day on or before it was required by section 145 to deliver a return for that fiscal year, has filed an amended return for the fiscal year claiming a deduction from income under subsection 1 of section 99 in respect of a loss sustained in the fiscal year immediately following that fiscal year, the Minister shall reassess the tax payable by the corporation for that fiscal year. R.S.O. 1970, c. 91, s. 78 (5).

Minister
not bound
by returns

(6) The Minister is not bound by a return or information delivered by or on behalf of a corporation and may, notwithstanding a return or information so delivered or if no return or information has been delivered, assess the tax payable under this Act. R.S.O. 1970, c. 91, s. 78 (6).

Assessment
valid and
binding

(7) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. R.S.O. 1970, c. 91, s. 78 (7).

Payment of
assessment

151.—(1) Every corporation shall within thirty days from the day of mailing of the notice of assessment pay any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding. R.S.O. 1970, c. 91, s. 79 (1).

Idem

(2) Where in the opinion of the Minister a corporation is attempting to avoid payment of a tax imposed by this Act or where the Minister has assessed the tax payable under this Act pursuant to subsection 6 of section 150, he may, notwithstanding subsection 2 of section 150, serve the notice of assessment upon the corporation or the president, manager, secretary or any director, agent or representative thereof and direct that all taxes, penalties and interest as set out therein shall be paid forthwith. R.S.O. 1970, c. 91, s. 79 (2).

DIVISION D—REFUNDS OF OVERPAYMENTS

Refunds

152.—(1) If the return required to be delivered by a corporation under section 145 for a fiscal year has been delivered within four years from the end of that fiscal year, the Minister,

(a) may, upon mailing the notice of assessment for the fiscal year, refund without application therefor any overpayment made on account of the tax payable for the fiscal year; and

- (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the corporation within four years from the day on which the overpayment was made or the day on which the notice of assessment was mailed. R.S.O. 1970, c. 91, s. 80 (1).

(2) Instead of making a refund that might otherwise be made under this section, the Minister may, where the corporation is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the corporation of such action. ^{Application to other taxes} R.S.O. 1970, c. 91, s. 80 (2).

(3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, ^{Interest on over-payments} interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing with the latest of,

- (a) the day on which the overpayment arose;
- (b) the day on or before which the return of the corporation in respect of which the overpayment arose was required by section 145 to be delivered; or
- (c) the day on which the return of the corporation in respect of which the overpayment arose was delivered,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection. R.S.O. 1970, c. 91, s. 80 (3).

(4) Where by a decision of the Minister under section 154 ^{Idem} or by a decision of a court it is finally determined that the tax payable under this Act by a corporation for a fiscal year is less than the amount assessed by the assessment under section 150 to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the fiscal year, the interest payable under subsection 3 on that overpayment shall be computed at such rate as is prescribed by the regulations. R.S.O. 1970, c. 91, s. 80 (4).

(5) Where an amount has been paid with respect to the ^{Idem} provisions of section 167 and the tax payable under this Act for the fiscal year as finally determined is less than the payment,

the interest payable on that overpayment shall, notwithstanding subsection 3, be computed at such rate as is prescribed for the purpose of subsection 4 as though the day on which the overpayment arose is the day upon which the payment was made. *New.*

Interpre-
tation

(6) Except as provided in subsection 5, for the purpose of this section, "overpayment" means the aggregate of all amounts paid on account of tax payable for a fiscal year minus all amounts payable under this Act or an amount so paid where no amount is so payable. R.S.O. 1970, c. 91, s. 80 (5).

Effect of
carry-back
of loss

(7) Where a corporation is entitled to deduct under subsection 1 of section 99 in computing its taxable income for a taxation year an amount in respect of a loss sustained in the fiscal year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection 3 for any portion of a period ending on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the corporation were not entitled to deduct an amount under subsection 1 of section 99 in respect of that loss. R.S.O. 1970, c. 91, s. 80 (6).

Credit
interest on
overpaid
instalments

153.—(1) Where instalments of tax as required by subsection 3 of section 148 are overpaid at any time prior to the day the return of the corporation in respect of which the overpaid instalments occurred was required by section 145 to be delivered or the day on which a refund was made upon assessment where such assessment is made before the day the return was due to be filed, whichever is earlier, interest at such rate as is prescribed for the purpose of subsection 3 of section 152 shall be allowed on the overpayment to the extent that interest has been otherwise assessed under subsection 2 of section 149 except that under no circumstances shall the credit interest so allowed exceed the interest otherwise assessed under that section.

Application

(2) Subsection 1 does not apply with respect to any amount to which subsection 5 of section 152 applies. *New.*

DIVISION E—OBJECTIONS TO ASSESSMENT

Notice of
objection

154.—(1) A corporation that objects to an assessment under section 150 may within ninety days from the day of mailing of the notice of assessment serve on the Minister

a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. R.S.O. 1970, c. 91, s. 81 (1).

(2) A notice of objection under this section shall be served^{Service} by being sent by registered mail addressed to the Minister. R.S.O. 1970, c. 91, s. 81 (2).

(3) The Minister may accept a notice of objection under this^{Idem} section notwithstanding that it was not served in duplicate or in the manner required by subsection 2. R.S.O. 1970, c. 91, s. 81 (3).

(4) Upon receipt of the notice of objection, the Minister^{Reconsideration} shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or reassess and he shall thereupon notify the corporation of his action by registered letter. R.S.O. 1970, c. 91, s. 81 (4).

DIVISION F—APPEALS

155.—(1) Where a corporation has served notice of objection^{Appeal} to an assessment under section 154, the corporation may appeal to the Supreme Court to have the assessment vacated or varied after the Minister has confirmed or reassessed, but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the corporation under section 154 that the Minister has confirmed the assessment or reassessed. R.S.O. 1970, c. 91, s. 82 (1).

(2) An appeal to the Supreme Court shall be instituted^{Appeals, how instituted} by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the corporation appealing has its head office or other permanent establishment. R.S.O. 1970, c. 91, s. 82 (2).

(3) A notice of appeal shall be served upon the Minister^{Notice of appeal} by being sent by registered mail addressed to the Minister. R.S.O. 1970, c. 91, s. 82 (3).

(4) The corporation appealing shall set out in the notice^{Statement of allegations} of appeal a statement of the allegations of fact, the statutory provisions and reasons that it intends to submit in supporting its appeal. R.S.O. 1970, c. 91, s. 82 (4).

Security
for costs

(5) An appeal by a corporation and all proceedings thereunder are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, paid into court in the sum of \$400 or such other sum as the Minister requires and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceedings shall be instituted in respect of the same decision. R.S.O. 1970, c. 91, s. 82 (5).

Idem

(6) When security has been given under subsection 5, notice thereof shall be served on the Minister specifying the fact and the purpose of the payment. R.S.O. 1970, c. 91, s. 82 (6).

Reply to
notice of
appeal

156.—(1) The Minister shall with all due despatch serve on the corporation appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the Minister intends to rely on. R.S.O. 1970, c. 91, s. 83 (1).

Amendment
of notice of
appeal

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 155 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out. R.S.O. 1970, c. 91, s. 83 (2).

Amendment
to reply

(3) The court or a judge may in its or his discretion,

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order. R.S.O. 1970, c. 91, s. 83 (3).

Failure to
comply

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 155 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it. R.S.O. 1970, c. 91, s. 83 (4).

Idem

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the

court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. R.S.O. 1970, c. 91, s. 83 (5).

157.—(1) Upon the filing of the material referred to in sections 155 and 156 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the corporation appealing has its head office or permanent establishment, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing. R.S.O. 1970, c. 91, s. 84 (1).

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs. R.S.O. 1970, c. 91, s. 84 (2).

(3) The court may dispose of the appeal by, Disposal
of appeal

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and,

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the assessment, or

(iv) referring the assessment back to the Minister for reconsideration and reassessment. R.S.O. 1970, c. 91, s. 84 (3).

(4) The court may in delivering judgment disposing of an appeal order payment or refund of tax, interest, penalties or costs by the corporation or the Minister, as the case may be. R.S.O. 1970, c. 91, s. 84 (4).

158. Proceedings under this Division shall be held *in camera* upon request made to the court by the corporation appealing or by the Minister. R.S.O. 1970, c. 91, s. 85.

159. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 157 and every judgment and order given

or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. R.S.O. 1970, c. 91, s. 86.

Irregularities

160. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. R.S.O. 1970, c. 91, s. 87.

PART VI

ADMINISTRATION AND ENFORCEMENT

Investigations

161.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the president, manager, secretary or any director, agent or representative of the corporation liable to pay or considered possibly liable to pay tax under this Act and any other person on the premises of such corporation to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require such person to attend at the premises or place with him; and

- (d) if during the course of an audit or examination it appears to him that there has been a violation of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings. R.S.O. 1970, c. 91, s. 88 (1).

(2) The Minister may, for any purpose relating to the adminis- ^{Idem}tration or enforcement of this Act, by registered letter or by a demand served personally, require from any corporation or from the president, manager, secretary, or any director, agent or representative thereof,

- (a) any information or additional information or a return as required by section 145 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein. R.S.O. 1970, c. 91, s. 88 (2).

(3) The Minister may, for any purpose related to the ad- ^{Idem}ministration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any portion of the income of the corporation, or from any partner, agent or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein. R.S.O. 1970, c. 91, s. 88 (3).

(4) The Minister may, for any purpose related to the ad- ^{Idem}ministration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Ministry of Revenue, together with such members of the provincial police or other peace officers as he calls on to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the violation of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. R.S.O. 1970, c. 91, s. 88 (4).

Idem

(5) The Minister may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer, for the purpose of determining what tax, if any, is payable under this Act by any corporation and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. R.S.O. 1970, c. 91, s. 88 (5).

Idem

(6) The Minister may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Ministry of Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act. R.S.O. 1970, c. 91, s. 88 (6), *amended*.

Copies

(7) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Ministry of Revenue may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way. R.S.O. 1970, c. 91, s. 88 (7), *amended*.

Compliance

(8) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do. R.S.O. 1970, c. 91, s. 88 (8).

Administra-
tion of
oaths

(9) Declarations or affidavits in connection with returns delivered under this Act or statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor. R.S.O. 1970, c. 91, s. 88 (9).

Powers of
inquiry

1971, c.49

(10) For the purpose of an inquiry authorized under subsection 6, the person authorized to make the inquiry has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 91, s. 88 (10), *amended*.

162.—(1) Every corporation that is required by this Act ^{Books and records} to pay taxes shall keep records and books of account, including an annual inventory kept in the same manner as is required for purposes of the *Income Tax Act* (Canada) and the regulations ^{1970-71, c. 63 (Can.)} made thereunder at its permanent establishment in Ontario or at such other place as is designated by the Minister, in such form and containing such information as will enable the taxes payable under this Act to be determined. R.S.O. 1970 c. 91, s. 89 (1), *amended*.

(2) Where a corporation has failed to keep adequate ^{Idem} records and books of account for the purpose of this Act, the Minister may require the corporation to keep such records and books of account as he specifies and the corporation shall thereafter keep records and books of account as so required. R.S.O. 1970, c. 91, s. 89 (2).

(3) Every corporation required by this section to keep ^{Idem} records and books of account shall, until written permission for their disposal is obtained from the Minister, retain every such record or book of account and every account or voucher necessary to verify the information in any such records or books of account. R.S.O. 1970, c. 91, s. 89 (3).

163.—(1) Every corporation that has failed to deliver a ^{Offences} return as and when required by this Act or the regulations is guilty of an offence and, in addition to any penalty otherwise provided, on summary conviction is liable to a fine of not less than \$25 for each day of default. R.S.O. 1970, c. 91, s. 90 (1).

(2) Every person who has failed to comply with or contra-^{Idem}vened section 161 or 162 is guilty of an offence and, in addition to any penalty otherwise provided, on summary conviction is liable to a fine of \$25 for each day during which the default continues. R.S.O. 1970, c. 91, s. 90 (2).

164. Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who ^{Officers, etc., of corporations} directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. R.S.O. 1970, c. 91, s. 91.

165. An information in respect of an offence against this Act shall be laid within six years of the time when the matter ^{Time for laying information} of the information arose. R.S.O. 1970, c. 91, s. 92.

Communica-
tion of
information

166.—(1) No person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act or allow any such person to inspect or have access to any written statement furnished under this Act. R.S.O. 1970, c. 91, s. 93 (1).

Offence
and
penalty

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1970, c. 91, s. 93 (2).

Exception

(3) Notwithstanding subsection 1, the Minister may, for the purpose of aiding in an investigation for taxation purposes under this or any other Act, enter into an agreement with the government of Canada or of any province under which officers of such government will be allowed access to information obtained or any written statement furnished under this Act and officers of the Government of Ontario will be allowed access to information obtained or any written statement furnished under any Act of such government. R.S.O. 1970, c. 91, s. 93 (3).

Collection

Priority
of tax

167.—(1) All taxes, interest, penalties, costs and other amounts imposed under this Act are debts due to Her Majesty and, subject to the *Bankruptcy Act* (Canada), are a first lien and charge upon property in Ontario (except prescribed property) of the corporation liable to pay such taxes, interest, penalties, costs and other amounts. R.S.O. 1970, c. 91, s. 94 (1), *amended*.

R.S.C. 1970,
c. B-4

Tax and
penalty
to be
lien on
property

(2) All taxes, interest, penalties, costs and other amounts imposed under this Act upon a corporation that owns, operates or uses a railway are a special lien on any property, real or personal, in which the corporation has any interest, legal or equitable (other than as lessee or under any agreement for running rights or operating rights) in priority to every claim, privilege, lien or encumbrance, whenever created, of every person, and the lien and its priority are not lost or impaired by any neglect, omission or error of any minister, officer, servant or agent of the Crown, or by want of registration. R.S.O. 1970, c. 91, s. 94 (2).

Garnishment

168.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a corporation liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable

to that corporation in whole or in part to the Treasurer of Ontario on account of the liability under this Act. R.S.O. 1970, c. 91, s. 95 (1).

(2) The receipt of the Treasurer of Ontario for moneys paid ^{Idem} as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. R.S.O. 1970, c. 91, s. 95 (2).

(3) Every person who has discharged any liability to a ^{Liability of debtor} corporation liable to make a payment under this Act without complying with a requirement under this section is liable to pay to Her Majesty in right of Ontario an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer of Ontario, whichever is the lesser. R.S.O. 1970, c. 91, s. 95 (3).

(4) Where a person who is or is about to become indebted ^{Service of garnishee} or liable to make a payment to a corporation liable to make a payment under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee. R.S.O. 1970, c. 91, s. 95 (4).

(5) Where the persons who are or are about to become ^{Idem} indebted or liable to make a payment to a corporation liable to make a payment under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. R.S.O. 1970, c. 91, s. 95 (5).

169.—(1) Upon default of payment by a corporation of any ^{Recovery of tax, interest and penalties} tax, interest or penalty or any of them imposed upon a corporation by this Act,

- (a) the Minister may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;

- (b) the Minister may issue a warrant, directed to the sheriff of any county or district in which any property of the corporation is located or situate, for the amount of the tax, interest and penalty or any of them owing by the corporation, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court. R.S.O. 1970, c. 91, s. 96 (1).

Compliance
of Minister
to be proved
by affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Part as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Part shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proven in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue. R.S.O. 1970, c. 91, s. 96 (2), *amended*.

Remedies
for recovery
of tax and
penalty

170. The use of any of the remedies provided by sections 168 and 169 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery or enforcement of the payment of any tax, interest and penalty or any of them imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise. R.S.O. 1970, c. 91, s. 97.

Notice to be
given
Minister of
sale of
company's
capital assets

171.—(1) Where a corporation has failed to pay taxes, interest and penalties or any of them imposed by this Act for a period of more than three years from the date of mailing of the notice of assessment provided by subsection 2 of section 150, no person shall sell any capital assets of the corporation unless he has given written notice by registered letter to the Minister not less than ten days before the date of the sale. R.S.O. 1970, c. 91, s. 98 (1).

Penalty

(2) Every person who contravenes the provisions of subsection 1 is liable to a penalty of not less than an amount equal to the amount of such taxes, interest and penalties in default and such penalty is recoverable by action in any court in which a debt or money demand of a similar amount may be collected. R.S.O. 1970, c. 91, s. 98 (2).

172. If any doubt or dispute arises as to the liability of a corporation to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed by this Act, the Minister may accept such amount as he deems proper. R.S.O. 1970, c. 91, s. 99.

Com-
promising
disputes as to
liability
for taxes

173. Every person who, and every corporation that, contravenes or fails to comply with any of the provisions of this Act or the regulations for which no other fine is provided is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. R.S.O. 1970, c. 91, s. 100.

General
offence

174. The fines imposed for offences under this Act are payable to the Treasurer of Ontario. R.S.O. 1970, c. 91, s. 101, *amended*.

Fines
payable to
Treasurer

175.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act;
- (b) providing for the issuance of certificates as to the amount of taxes, interest and penalties or any of them owing by any corporation under this Act and prescribing the fee payable therefor;
- (c) prescribing anything that by this Act is to be prescribed or is to be determined or regulated by the regulations;
- (d) prescribing amendments to the provisions of Part II that relate to the computation of income and taxable income and to the provisions of Parts VII and VIII, such amendments to remain effective only if enacted by the Legislature at the first regular session after such amendments have been prescribed;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act;
- (f) prescribing rates of interest for the purposes of Part V. R.S.O. 1970, c. 91, s. 102 (1).

(2) A regulation is, if it so provides, effective with reference to a period before it was filed. R.S.O. 1970, c. 91, s. 102 (2).

Idem

PART VII

TRANSITIONAL PROVISIONS

Application
rules

176.—(1) For the purposes of this Act, the *Income Tax Application Rules, 1971* (Canada) shall, where applicable, be deemed to apply *mutatis mutandis* to fiscal years ended in 1972 and subsequent fiscal years.

Idem

(2) In this Act where reference is made to *The Corporations Tax Application Rules, 1972*, such reference shall mean the provisions made applicable by subsection 1.

Effect of
R.S.O. 1970,
c. 91

(3) In this Act where reference is made to *The Corporations Tax Act* such reference shall mean the provisions of *The Corporations Tax Act*, R.S.O. 1970, c. 91, as amended.

PART VIII

MISCELLANEOUS

Application
of R.S.O. 1970,
c. 91 as
amended and
this Act

177.—(1) *The Corporations Tax Act*, being chapter 91 of the Revised Statutes of Ontario, 1970, applies to corporations in respect of all fiscal years ending before or during the year 1971 and this Act applies thereafter, provided that the provisions of this Act relating to the collection of taxes apply to the collection of taxes under *The Corporations Tax Act* and that the priority of tax under subsection 1 of section 94 of *The Corporations Tax Act* does not apply to property prescribed for the purposes of subsection 1 of section 167 of this Act.

R.S.O. 1970,
c. 91 as
amended,
repealed

(2) Subject to subsection 1, *The Corporations Tax Act*, *The Corporations Tax Amendment Act, 1971*, *The Corporations Tax Amendment Act, 1971* (No. 2) and *The Corporations Tax Amendment Act, 1971* (No. 3) are repealed.

Commence-
ment

178. This Act comes into force on the day it receives Royal Assent.

Short title

179. This Act may be cited as *The Corporations Tax Act, 1972*.

CHAPTER 144

**An Act to repeal
The Wolf and Bear Bounty Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Wolf and Bear Bounty Act*, being chapter 500 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 500, repealed

(2) Section 89 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, is repealed. 1971 Act, amended

2. Any sum to which the corporation of a county or any person is entitled to receive from the Province of Ontario under *The Wolf and Bear Bounty Act* in respect of a wolf killed on or after the 1st day of April, 1972 and before this Act comes into force shall be paid out of the Consolidated Revenue Fund. Payment of bounty
R.S.O. 1970, c. 500

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Wolf and Bear Bounty Repeal Act, 1972*. Short title

CHAPTER 145

**An Act respecting the Payment of Damages
Caused to Live Stock by Wolves**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “district forester” means the official of the Ministry designated as the district forester for the administrative district of the Ministry in which the live stock in respect of which an application is made under this Act was killed or injured;
- (b) “live stock” means cattle, goats, horses, sheep, swine or poultry that are maintained in accordance with the practice of good husbandry;
- (c) “Minister” means the Minister of Natural Resources;
- (d) “Ministry” means the Ministry of Natural Resources;
- (e) “regulations” means the regulations made under this Act;
- (f) “wolf” means any of the species *Canis lupus* L. or *Canis latrans* Say.

2.—(1) Where death of or injury to live stock is caused by a wolf, the owner of the live stock may make an application for compensation to the district forester in the manner prescribed by the regulations.

(2) Subject to subsections 3, 4 and 5, the district forester may, in respect of an application made under subsection 1, pay to the applicant such amount as the district forester considers reasonable, but not exceeding the market value of the live stock in respect of which payment is made.

Amount of
payment
limited

(3) No payment shall be made under subsection 2 of an amount in respect of,

(a) a head of cattle in excess of \$500;

(b) a goat in excess of \$100;

(c) a horse in excess of \$500;

(d) a sheep in excess of \$100;

(e) a head of swine in excess of \$100; or

(f) poultry of one owner, killed or injured in any year, in excess of \$500.

Reduction
in payment
by reason of
insurance

R.S.O. 1970,
c. 133

(4) Where an applicant is entitled to receive an amount under a contract of insurance against loss by reason of the death of or injury to live stock or under a by-law passed under subsection 3 of section 13 of *The Dog Tax and Live Stock and Poultry Protection Act*, in respect of the live stock for which he has made application under subsection 1, the district forester shall apply an amount equal to that amount in reduction of any payment under subsection 2.

No payment
of compensa-
tion

(5) No payment shall be made under subsection 2 in respect of an animal that died or was injured as a result of infection attributed to the bite of a wolf.

Hearing

3.—(1) Before refusing to pay compensation to an applicant or before paying compensation in an amount less than the amount applied for, the district forester shall cause an officer in the Ministry to hold a hearing to which the applicant shall be a party.

Report

(2) The officer holding a hearing under subsection 1 shall make a report to the district forester of his findings of fact and law at the hearing.

Application
of 1971, c. 47,
ss. 6-16, 21-23

(3) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Decision
after
hearing

(4) After considering the report of the officer holding a hearing under this section, the district forester may refuse to pay compensation or may award such compensation as he considers proper and shall give his reasons for his decision to the applicant.

(5) An applicant who has been refused compensation or who is not satisfied with the amount of the compensation awarded by the district forester may, within thirty days of the mailing of the reasons for the decision of the district forester, appeal to the Minister from the decision and the Minister shall consider the report of the officer holding the hearing and of the district forester and may refuse to pay compensation or award such compensation as he considers proper.

4. The Lieutenant Governor in Council may appoint persons to act as valuers for the purpose of this Act and may declare persons appointed under section 2 of *The Hunter Damage Compensation Act* to be such valuers.

5. The moneys required for the purposes of this Act shall be payable until the 31st day of March, 1973, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

6.—(1) No person shall apply for compensation under this Act in respect of an animal in respect of which an application for compensation under this Act has theretofore been made.

(2) No person shall make a false or misleading statement in an application under this Act.

(3) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

7.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the manner of making an application for compensation;
- (b) prescribing the conditions under which an application for compensation may be made;
- (c) prescribing the conditions under which compensation may be paid;
- (d) prescribing forms and providing for their use;
- (e) prescribing the duties of valuers.

(2) Any regulation may be limited territorially or as to time or otherwise.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Wolf Damage to Live Stock Compensation Act, 1972*.

CHAPTER 146

An Act to amend The Income Tax Act

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is repealed and the following substituted therefor:

(*h*) 30.5 per cent in respect of the 1972 and 1973 taxation years.

(2) Subsection 7 of the said section 3, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is repealed and the following substituted therefor:

(7) For the purposes of subsection 6,

Definitions

- (*a*) the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under clause *c* of subsection 7 of section 126 of the Federal Act for the purposes of that Act; and
- (*b*) the expressions “tax payable by him under this Act” and “tax otherwise payable under this Act” refer to the tax calculated under this Act without the deduction authorized by subsection 2 of section 6*b*.

2. Section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 100, section 4, is repealed and the following substituted therefor:

Interpre-
tation

6b.—(1) In this section,

- (a) “housing unit” includes any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year, but does not include any premises that are part of any charitable institution, home for special care, home for the aged, private nursing home or public nursing home that is prescribed in the regulations;
- (b) “individual” does not include a trust or estate as defined in subsection 1 of section 104 of the Federal Act;
- (c) “municipal tax” means,
 - (i) taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property,
 - (ii) taxes levied for local improvements to real property in Ontario,
 - (iii) taxes levied under *The Provincial Land Tax Act* or *The Local Roads Boards Act*, and
 - (iv) such other taxes or special rates as are prescribed in the regulations,

but “municipal tax” does not include any tax or rate that was payable prior to the 1st day of January, 1972;

(d) “occupancy cost” means,

- (i) municipal tax paid in the taxation year by a principal taxpayer or by his spouse in respect of a principal residence of the principal taxpayer, or
- (ii) 20 per cent of the rent paid in the taxation year by a principal taxpayer or by his spouse for occupation of a principal residence of the principal taxpayer if such rent has been calculated to exclude all payments on account of meals or board and to exclude all pay-

ments of rent for occupation prior to the 1st day of January, 1972, but this subclause does not apply to any principal taxpayer if he or his spouse, while paying rent for his principal residence, was also liable to pay municipal tax thereon by reason of any agreement with the lessor of the principal residence or for any other reason;

- (e) "principal residence" means a housing unit in Ontario that is either owned by or rented to the principal taxpayer or his spouse, and that was during the taxation year occupied by the principal taxpayer as his principal residence, and that is designated by the principal taxpayer in prescribed manner as a principal residence of his in the taxation year;
 - (f) "principal taxpayer" means an individual who on the last day of the taxation year occupies and inhabits a principal residence except when that individual on the last day of the taxation year occupies and inhabits a principal residence with his spouse, in which case "principal taxpayer" means that spouse who has the higher taxable income for the taxation year, but "principal taxpayer" does not include any individual under the age of 16 years on the last day of the taxation year, or any individual under the age of 21 years on the last day of the taxation year who resides in a principal residence of and is claimed as a dependant by another taxpayer in that taxation year.
- (2) A principal taxpayer may deduct from the tax ^{Property tax credit} otherwise payable by him under this Act for the taxation year an amount equal to the least of,
- (a) where his occupancy cost is \$90 or more in the taxation year, the aggregate of \$90 and 10 per cent of his occupancy cost minus 1 per cent of the taxable income of the principal taxpayer for the taxation year;
 - (b) where his occupancy cost is less than \$90 in the taxation year, his occupancy cost minus 1 per cent of the taxable income of the principal taxpayer in the taxation year; or
 - (c) \$250.

Deemed
occupancy
cost for
students

- (3) Where, during the taxation year, the principal residence of a principal taxpayer who is a full-time student at a college, university or school of nursing is in a students' residence that is prescribed in the regulations, the occupancy cost for every principal taxpayer so resident shall be deemed to be \$25 for that portion of the taxation year during which a prescribed students' residence was the principal residence of the principal taxpayer.

Deceased
taxpayer's
credit

- (4) Where an individual dies in the taxation year having had a principal residence immediately before his death, and he or his spouse has paid any rental or municipal tax in relation to the principal residence, the legal representative of such deceased individual may claim from the tax otherwise payable under this Act for the portion of the taxation year during which the deceased lived the deduction that could have been claimed under subsection 2 in relation to the amount so paid by the deceased or by his spouse as if the deceased taxpayer had been the principal taxpayer in relation to such principal residence.

Refund

- (5) The amount by which the deduction to which a principal taxpayer is entitled under subsection 2 exceeds his tax payable under this Act calculated without reference to this section shall be paid by the Treasurer to the principal taxpayer unless the principal taxpayer is indebted for tax, interest or penalties under this Act or the Federal Act for a prior taxation year, and in such case, the amount shall be applied by the Treasurer to reduce and, if possible, to discharge such indebtedness, and any part of the amount not so applied shall be paid to the principal taxpayer.

Occupancy
cost for
two or more
principal
residences

- (6) Where a principal taxpayer has occupied more than one principal residence in the taxation year, he shall, in calculating his occupancy cost, take into account only that portion of his total occupancy cost in the taxation year for each principal residence that is in the same ratio to his total occupancy cost in the taxation year for that principal residence as the number of days in the taxation year that the principal taxpayer occupied that principal residence is to the number of days for which such occupancy cost was paid for that principal residence, but no

principal taxpayer shall claim occupancy cost for more than one principal residence during the same period of time.

- (7) Where two or more principal taxpayers, either jointly or in common, own or rent a principal residence in the taxation year, the occupancy cost thereof shall be allocated to each such principal taxpayer according to his beneficial ownership of the principal residence or according to the portion of the rent for the principal residence that each principal taxpayer paid in the taxation year, as the case may be. Joint occupation of principal residence
- (8) Where a principal taxpayer, instead of paying full rent for the occupation of a principal residence that he does not own, furnishes work or services to the owner or lessee of the principal taxpayer's principal residence, the value of the benefit that the principal taxpayer receives from paying less than full rent may, for the purposes of determining his occupancy cost, be included by the principal taxpayer as part of the rent that he has paid with respect to the principal residence, but the amount of such benefit may be so included only to the extent that the benefit is included as part of the principal taxpayer's income for that taxation year computed for the purpose of determining the tax payable under Part I of the Federal Act by the principal taxpayer. Imputed rent
- (9) Notwithstanding clause *f* of subsection 1, if an individual occupies and inhabits with his spouse a principal residence on the last day of the taxation year, and if that individual and his spouse have the same amount of taxable income in the taxation year or have no taxable income in the taxation year, they may agree between them which of them shall claim the deduction permitted under subsection 2, and the individual thus agreed upon shall be deemed to be the principal taxpayer. Deemed principal taxpayer

3. This Act comes into force on the day it receives Royal Assent and applies with respect to the 1972 and subsequent taxation years. Commencement

4. This Act may be cited as *The Income Tax Amendment Act, 1972 (No. 2)*. Short title

CHAPTER 147

**An Act to amend
The Motor Vehicle Fuel Tax Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Motor Vehicle Fuel Tax Act*, ^{s. 1 (a),} being chapter 282 of the Revised Statutes of Ontario, 1970, ^{re-enacted} as re-enacted by the Statutes of Ontario, 1972, chapter 14, section 1, is repealed and the following substituted therefor:

- (a) “fuel” means any gas or liquid that may be used for the purpose of generating power by internal combustion, and includes any substance added thereto, but does not include,
 - (i) any product that is excluded from this Act by the regulations and to which subsection 5 of section 3 does not apply,
 - (ii) gasoline on which the tax imposed by *The* ^{R.S.O. 1970,} *Gasoline Tax Act* has been paid, or ^{c. 190}
 - (iii) aviation fuel on which the tax imposed by *The Gasoline Tax Act* has been paid and that is used to create power to propel an aircraft.

2. Subsections 3, 4, 5 and 6 of section 3 of the said Act are ^{s. 3 (3-6),} repealed and the following substituted therefor: ^{re-enacted}

- (3) Subject to subsection 5, the tax imposed by subsection 1 shall be paid at the time the fuel is supplied to the purchaser or, where the fuel is acquired by the purchaser outside Ontario, at the time such fuel is used in Ontario, and the tax imposed by subsection 2 shall be paid in accordance with section 9. ^{Payment of tax}

Security
for tax

- (4) Where a purchaser uses in Ontario fuel that was acquired outside Ontario, such purchaser shall, upon the demand of the Minister or of some one authorized by the Minister to make such a demand, furnish to the Minister security in cash or in such other form as is satisfactory to the Minister that is sufficient for the payment of all tax imposed by this Act on the use by such purchaser in Ontario of fuel on which the tax imposed by this Act has not been paid, and in the event that the tax for which the security is given is not paid, the Minister may realize upon the security to the extent necessary to pay such tax.

Payment
of tax

- (5) Where any person places any product that is excluded from this Act by the regulations in a fuel tank, such product thereupon becomes taxable as fuel under this Act and is no longer excluded from this Act, and the person so doing shall forthwith pay the tax imposed by this Act on such fuel to the Treasurer directly or through any registrant.

Penalty

- (6) Every person who knowingly fails to pay the tax imposed by subsection 1, 2 or 5 when required by this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than \$100 and not more than \$5,000.

Idem

- (7) Every person who fails to comply with subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

Idem

- (8) Every person who is not a registrant and who knowingly supplies or makes available to a purchaser fuel that becomes taxable under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax imposed by this Act on the fuel that he has supplied or made available to a purchaser plus an amount that is not less than \$100 and not more than \$5,000.

Examination
of books, etc.

- (9) Where it is established to the satisfaction of the Minister that a person who is not a registrant has supplied or made available to a purchaser fuel that becomes taxable under this Act, any person thereunto authorized by the Minister may enter upon the business premises of such person who is not a registrant and may audit and examine the books, records

and accounts of such person to ascertain the amount of fuel that has been supplied under subsection 8 and the amount of tax that is payable with respect thereto.

3. Subsection 1 of section 4 of the said Act is amended by ^{s. 4 (1),} striking out "on the portion of such fuel in excess of forty ^{amended} imperial gallons" in the sixth line.

4. The said Act is amended by adding thereto the following ^{s. 4a,} section: ^{enacted}

4a.—(1) For the purpose of ascertaining that the tax ^{Detention} imposed by this Act has been paid on fuel in the ^{and} fuel tank of a motor vehicle, or for the purpose of ^{examination} ascertaining whether any tax imposed by this Act on such fuel is payable, any person thereunto authorized by the Minister may detain any motor vehicle in Ontario that has a fuel tank that is capable of holding more than forty imperial gallons and may examine such motor vehicle and the fuel contained in any fuel tank thereof, and may demand proof that the tax imposed by this Act for the fuel in the fuel tank of such motor vehicle has been paid.

(2) Every operator of a motor vehicle that may be de- ^{Penalty} tained under subsection 1 who refuses to permit the detention and examination of such motor vehicle that is under his control, or who refuses to permit the examination of the fuel used in such motor vehicle, is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 for each offence.

5. Subsection 2 of section 9 of the said Act is amended ^{s. 9 (2),} by striking out "the rate of 7 per cent per annum" in the ^{amended} fourth line and inserting in lieu thereof "such rate as is prescribed in the regulations".

6.—(1) Subsections 1, 2 and 3 of section 10 of the said Act ^{s. 10 (1-3),} are repealed and the following substituted therefor: ^{re-enacted}

(1) If the Minister, in order for him to assess the tax ^{Minister} collectable by a registrant or of the tax payable by a ^{may demand} registrant or purchaser under this Act or for any other purpose, desires any information or additional information, or a return from a registrant or purchaser who has not made a return or a complete or sufficient return, he may, by registered letter, demand from the registrant or purchaser, or from the president,

manager, secretary, or any director, agent or representative of any registrant or purchaser, such information, additional information or return, and the person upon whom the demand is made shall deliver to the Minister the information, additional information or return within the time specified in the registered letter.

Production
of letters,
accounts, etc.

- (2) The Minister may, by registered letter, require the production under oath or otherwise by any registrant or purchaser, or by the president, manager, secretary, or any director, agent or representative of any registrant or purchaser; or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion of the income of such registrant or purchaser, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

Records to
be kept

- (3) If a registrant or purchaser fails or refuses to keep adequate books or accounts for the purpose of ascertaining the amount of the tax payable by him or payable and collectable by him, as the case may be, the Minister may require such registrant or purchaser to keep such records and accounts as the Minister specifies.

s. 10 (7-9).
re-enacted

- (2) Subsections 7, 8 and 9 of the said section 10 are repealed and the following substituted therefor:

Notice of
assessment

- (7) After examination of the return of a registrant, the Minister shall send by mail or by registered mail or deliver by personal service a notice of assessment to such registrant verifying or altering the amount of tax shown to be collectable by the registrant or to be payable by the registrant in his return, and any additional tax found to be collectable or payable, as the case may be, over the amount shown in the return shall be transmitted within one month from the date of mailing of the notice of assessment, whether or not an objection or appeal from the assessment is made or taken, and such additional tax shall bear interest at the rate prescribed by the regulations calculated from the last date prescribed for making the return to the date of transmission to the Treasurer.

Idem

- (8) The Minister may at any time he considers reasonable assess any tax collectable or payable by a registrant or purchaser under this Act and shall send by mail

or by registered mail or deliver by personal service a notice of assessment requiring the registrant or purchaser to transmit the tax assessed forthwith to the Treasurer.

- (9) A registrant or purchaser shall, within one month of the date of an assessment made against him, transmit the tax claimed in the assessment whether or not an objection or appeal from the assessment is outstanding, and if a registrant or purchaser fails to transmit the tax at the time required, he shall pay to the Treasurer interest at the rate prescribed by the regulations upon the tax from the due date to the date of transmission to the Treasurer. ^{Payment of tax assessed}

- (10) Where a registrant or purchaser objects to an assessment made under this section, he may, within ninety days from the day of mailing of the notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. ^{Notice of objection}

- (11) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. ^{Service}

7. The said Act is further amended by adding thereto the following sections: ^{ss. 10a, 10b, enacted}

- 10a.—(1) Upon receipt of a notice of objection, the Minister shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the registrant or purchaser, as the case may be, of his action by registered letter. ^{Recon-sideration}

- (2) After the Minister has given the notification required by subsection 1, a person who has served notice of objection under section 10 may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 1 that the Minister has confirmed the assessment or reassessed, and an appeal under this section shall not be made to the Divisional Court. ^{Appeal}

- (3) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme ^{Appeal, how instituted}

Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

Service

- (4) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Content of
notice of
appeal

- (5) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

Reply to
notice of
appeal

- (6) After the service on him of a notice of appeal under this section, the Minister shall with all due despatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Matter
deemed
action

- (7) Upon the filing of the material referred to in subsection 6, the matter shall be deemed to be an action in the court.

Disposition
of appeal

- (8) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and,

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the original assessment, or

(iv) referring the assessment back to the Minister for reconsideration and re-assessment.

Idem

- (9) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to costs as is considered proper.

- (10) The practice and procedure of the Supreme Court, ^{Procedure} including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed to be an action under subsection 7, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.
- (11) No assessment shall be vacated or varied on appeal ^{Irregularities} by reason only of any irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act.
- (12) The time within which a notice of objection under subsection 10 of section 10 or a notice of appeal under subsection 2 of this section is to be served may be extended by the Minister if application for such extension is made before the time for service of the notice of objection or notice of appeal, as the case may be, has expired. ^{Extension of time}
- 10b.—(1) The Minister or Deputy Minister of Revenue ^{Certificate to prove unpaid tax} shall determine the amount of the tax referred to in subsection 6 or 8 of section 3 or in subsection 5 or 6 of section 7 from such information as is available to him and shall issue a certificate as to that amount.
- (2) In any prosecution under subsection 6, 7 or 8 of section 3 or under subsection 5 or 6 of section 7 a certificate that is signed or that purports to be signed by the Minister or Deputy Minister of Revenue and that states the amount of tax that should have been collected is *prima facie* evidence of the amount of tax that should have been collected and of the authority of the person giving or making the certificate without any proof of appointment or signature. ^{Idem}
- (3) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences. ^{Information may be for several offences}
- (4) Neither the application of any provision of this section nor the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act. ^{Remedies to be independent}

When
information
to be laid

15*a*. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

s. 16,
re-enacted

8. Section 16 of the said Act is repealed and the following substituted therefor:

Recovery of
tax and
penalty

16.—(1) Upon default of transmission by a registrant of any tax collectable by him or of any tax or penalty payable by him or upon default of payment by any purchaser of any tax payable by him under this Act,

(*a*) the Minister may bring an action for recovery thereof in any court of competent jurisdiction and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury; or

(*b*) the Minister may issue a warrant and direct it to the sheriff of any county or district in which any property of the registrant or purchaser is located or situate, for the amount of the tax, interest and penalty, or any of them owing by the registrant or purchaser, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court; or

(*c*) the Minister or any officer authorized by him may enter upon the premises of a registrant or purchaser or any other place in Ontario where the books or records of a registrant or purchaser or any part of them are kept and make such investigation and examination as he considers necessary, and may seize any of the books and records and may by notice in writing, require that any person who may be indebted to a registrant or to a purchaser shall pay the debt to the Treasurer.

Manner of
serving
notice

(2) A notice under clause *c* of subsection 1 may be served personally or by registered letter addressed to such person at the address indicated in the books or records of the registrant or purchaser and the receipt of payment of the amount of the indebtedness by

the Treasurer constitutes a good and sufficient discharge of the liability of such person to the registrant or purchaser to the extent of the amount indicated in the receipt.

- (3) Any person discharging any liability to a registrant or purchaser owing taxes collectable by him or owing taxes or penalties payable by him under this Act after the service of the notice referred to in subsection 2 is personally liable to the Treasurer to the extent of the amount of the liability discharged between the person and the registrant or purchaser or to the extent of the amount of taxes collectable by the registrant and of taxes, interest and penalties payable by him or by a purchaser whichever is the lesser amount, and the Treasurer has the same remedies for the recovery of such amount from such person as he has for the recovery from the registrant of a tax collectable by him or of a tax or penalty payable by him or by a purchaser under this Act. Liability of debtor

9. Subsection 3 of section 18 of the said Act is amended by striking out "notice of accounting" in the second line and in the sixth and seventh lines and inserting in lieu thereof in each instance "notice of assessment". s. 18 (3), amended

10. The said Act is further amended by adding thereto the following section: s. 18a, enacted

18a.—(1) The provisions of this section apply notwithstanding any provision of this Act to the contrary. Application of section

- (2) In this section, "authorized registrant" means a registrant whom the Minister authorizes in writing to receive certificates of exemption issued under this section, and no person who is not an authorized registrant shall receive or act on any such certificate of exemption. Interpretation

- (3) Where the Minister is satisfied that fuel to be acquired by a purchaser will be used exclusively by that purchaser in the business of farming or commercial fishing and where the Minister has determined to make a full refund of the tax imposed by this Act on fuel so used by such a purchaser, the Minister may issue to such purchaser a certificate of exemption that shall show the date when the certificate is issued, the name and address of the person to whom the certificate is issued and a number differentiating that certificate from other similar certificates, and such Certificate of exemption

certificate may contain restrictions limiting the time during which it remains valid, the use to which any fuel may be put that is purchased through the use of the certificate, and such other restrictions as the Minister considers necessary.

Exemption
for purchaser

- (4) Any purchaser to whom a certificate of exemption is issued may, by complying with the terms of the certificate and after delivering the certificate up to an authorized registrant, purchase from that authorized registrant fuel exempt from the tax otherwise payable under this Act, and such purchaser is not liable to pay the tax imposed by this Act unless he uses such fuel in a manner that is not authorized by the certificate.

When
authorized
registrant
not to collect
tax

- (5) An authorized registrant who sells or supplies fuel to a purchaser who is acquiring such fuel pursuant to a certificate of exemption issued under this Act shall not, while the certificate remains valid, collect from such purchaser any tax on any fuel that is purchased from such authorized registrant on the authority of a certificate of exemption delivered over to him, but every authorized registrant who having received a certificate of exemption from a purchaser sells or supplies fuel on which he does not collect the tax imposed by this Act because of the purchaser's possessing a certificate of exemption shall provide to the Minister the information that an authorized registrant is required by the regulations to provide.

Certificate
to be
recorded

- (6) Every authorized registrant who receives a certificate of exemption from a purchaser shall keep in his records the particulars shown on the certificate, and shall send the certificate to the Minister.

Offence

- (7) Any person who knowingly contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$10,000.

Revocation
of certificate

- (8) Where an authorized registrant or a purchaser holding a certificate of exemption issued under this section is found guilty of an offence under subsection 7, the Minister may cancel the authorization of such authorized registrant or revoke the certificate of such purchaser, as the case may be, and where the Minister determines that he will no longer make a full refund to a purchaser holding a certificate of exemption issued under this section, the Minister

shall revoke the certificate and shall give notice of such revocation to the purchaser and to the authorized registrant to whom the purchaser has delivered over the certificate of exemption.

11. Section 21 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 14, section 5, is further amended by adding thereto the following clauses: ^{s. 21. amended}

- (f) exempting from a part or all of the tax imposed by this Act fuel that will be used by specified persons or in a specified manner or in a specified type of machinery or class of industry, and relieving registrants from their obligation of collecting a part or all of the tax on fuel so used;
- (g) prescribing additional information to be contained in any certificate of exemption issued under this Act, and attaching additional conditions to the use of any such certificate;
- (h) providing for the furnishing to the Minister by registrants of information relating to the sale or delivery by them of fuel that is exempt from the tax imposed by this Act;

(i) prescribing rates of interest payable under this Act.

12.—(1) This Act, except section 10, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 10 shall be deemed to have come into force on the 1st day of April, 1972. ^{Idem}

13. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1972 (No. 2)*. ^{Short title}

CHAPTER 148

**An Act to amend
The Homes for the Aged and Rest Homes Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Homes for the Aged and Rest Homes Act*, being chapter 206 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (f),
re-enacted

(f) "Minister" means the Minister of Community and Social Services.

2. Subsection 4 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (4),
re-enacted

(4) A home established under section 5 or 6 shall be vested in the board and the board shall have charge thereof. Idem

3. The said Act is amended by adding thereto the following section: s. 9a,
enacted

9a. A board of management appointed under section 9 may by lease or agreement entered into with the Minister, maintain and operate a home established in the territorial district of the board by the Minister under section 7a of *The Ministry of Community and Social Services Act*, subject to the provisions of *The Homes for the Aged and Rest Homes Act* and the regulations thereunder and upon such terms and conditions as may be agreed upon. Homes
established
under
R.S.O. 1970,
c. 56, s. 7a

4. Section 10 of the said Act is amended by inserting after "6" in the third line "or a home maintained and operated under an agreement with the Minister pursuant to section 9a". s. 10,
amended

s. 23 (1c),
amended

5.—(1) Subsection 1c of section 23. of the said Act, as renumbered by the Statutes of Ontario, 1971, chapter 99, section 3, is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 23 (3),
amended

(2) Subsection 3 of the said section 23 is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 23 (8),
amended

(3) Subsection 8 of the said section 23 is amended by inserting after “6” in the second line “or maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 24 (1),
amended

6. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 9, is further amended by inserting after “section” in the third line “or a home maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 27 (2),
amended

7. Subsection 2 of section 27 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 62, section 11, is further amended by inserting after “6” in the second line “or is maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 30 (1) (k),
amended

8.—(1) Clause *k* of subsection 1 of section 30 of the said Act is amended by inserting after “6” in the third line “and homes maintained and operated under an agreement with the Minister pursuant to section 9a”.

s. 30 (1) (r),
amended

(2) Clause *r* of subsection 1 of the said section 30 is amended by striking out “of homes established under section 5 or 6” in the second line and inserting in lieu thereof “appointed under section 9”.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1972 (No. 2)*.

CHAPTER 149

An Act to amend The Ministry of Community and Social Services Act

Assented to December 15th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6*d* of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 56, section 2, is amended by inserting after "services" in the sixth line "and social planning".

2. The said Act is amended by adding thereto the following sections:

6*e*. The Minister may enter into agreements with organizations, municipalities or other persons or corporations respecting the provision of social services and community services including facilities and personnel relating thereto upon such terms and conditions as may be agreed and he may direct out of moneys appropriated by the Legislature the payment of such expenditures as are necessary for such purposes.

7*a*. The Minister, with the approval of the Lieutenant Governor in Council, may establish, with real and personal property acquired by Her Majesty by way of gift or donation, any institution that may be operated or managed for charitable objects or purposes under any Act administered by the Minister, and the Minister may by way of lease or agreement provide for the management and operation on a non-profit basis of the institution by any person or organization with authority therefor under such Act

subject to the provisions of such Act and the regulations thereunder and upon such terms and conditions as may be agreed upon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1972 (No. 2)*.

CHAPTER 150

An Act to amend The Fire Marshals Act

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 11 of *The Fire Marshals Act*, being chapter 172 of the Revised Statutes of Ontario, 1970, is repealed.

s. 11,
repealed
- (2) Subsection 1 applies in respect of gross premiums, fixed payments and assessments received during the year 1972 and subsequent years.

Application
of subs. 1
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Fire Marshals Amendment Act*, 1972.

Short title

CHAPTER 151

**An Act to amend
The Family Benefits Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Family Benefits Act*, being chapter 157 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 38, is amended by adding thereto the following subsections:

(1a) Where a request for a hearing in accordance with section 10c has been made and the board of review is satisfied that there may be financial hardship to the applicant or recipient during the period of time needed for the board to complete its review and make a decision, the board may, before holding the hearing, direct the Director to provide from time to time such amount as the board considers necessary for the maintenance of the applicant or recipient and any of his dependants until the board has completed its review and has given notice of its decision to the applicant or recipient, provided that such amount shall not exceed the maximum amount of an allowance prescribed in the regulations.

(1b) *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of the board of review under subsection 1a.

2. Subsection 3 of section 16 of the said Act is amended by striking out "subsection 5 of section 16 of *The Family Benefits Act, 1967*" in the third and fourth lines and inserting in lieu thereof "subsection 4 of section 14 of *The Family Benefits Act, 1966*".

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Family Benefits Amendment Act, 1972*.

CHAPTER 152

**An Act to amend
The Hospital Labour Disputes Arbitration Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Hospital Labour Disputes Arbitration Act*, being chapter 208 of the Revised Statutes of Ontario, 1970, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) “Commission” means The Ontario Labour-Management Arbitration Commission.

(2) Subsection 3 of the said section 1 is repealed and the following substituted therefor:

(3) A laundry that is operated exclusively for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act.

(4) A stationary power plant as defined in *The Operating Engineers Act* that is operated principally for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act.

2. Section 3 of the said Act is repealed and the following substituted therefor:

3. Where a conciliation officer appointed under section 15 of *The Labour Relations Act* is unable to effect a collective agreement within the time allowed under section 17 of that Act, the Minister shall forthwith by notice in writing inform each of the parties that the conciliation officer has been unable to effect a collective agreement, and sections 16 and 18 of *The Labour Relations Act* shall not apply.

s. 4.
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Arbitration

4. Where the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, the matters in dispute between the parties shall be decided by arbitration in accordance with this Act.

Appointment
of single
arbitrator

- 4a.—(1) Where the parties agree to have the matters in dispute between them decided by a single arbitrator, they shall, within the time set out in subsection 1 of section 5, jointly appoint a person who has indicated his willingness to act.

Single
arbitrator's
powers

- (2) The person so appointed shall constitute the board of arbitration for the purposes of this Act and he shall have the powers and duties of a chairman of a board of arbitration.

Notice to
Minister

- (3) As soon as the parties appoint a person to act as a single arbitrator, they shall notify the Minister of the name and address of the person appointed.

s. 5 (1-6, 10),
re-enacted

4.—(1) Subsections 1, 2, 3, 4, 5, 6 and 10 of section 5 of the said Act are repealed and the following substituted therefor:

Appointment
of board of
arbitration

- (1) Within seven days after the day upon which the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension
of 7 day
period

- (2) The parties by a mutual agreement in writing may extend the period of seven days mentioned in subsection 1 for one further period of seven days.

Failure
to appoint
member

- (3) Where a party fails to appoint a member of a board of arbitration within the period or periods mentioned in subsection 1, the Minister, upon the written request of either of the parties, shall appoint such member.

Third
member

- (4) Within ten days after the day on which the second of the members was appointed, the two members appointed by or on behalf of the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

- (5) Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, notice of such failure shall be given forthwith to the Minister by the parties, the two members or either of them and the Minister shall appoint as a third member a person who,

Failure
to appoint
third member

(a) is employed as an arbitrator by the Commission ;

(b) is approved to act as an arbitrator by the Commission and whose name is on the register of arbitrators maintained by the Commission ;
or

(c) is, in the opinion of the Minister, qualified to act.

- (6) As soon as one of the parties appoints a member to a board of arbitration, that party shall notify the other party and the Minister of the name and address of the member appointed.

Notice of
appointment
by party

- (6a) As soon as the two members appoint a third member, they shall notify the Minister of the name and address of the third member appointed.

Notice of
appointment
by members

.

- (10) If the person appointed jointly by the parties as a single arbitrator dies before he has completed his work or is unable to enter on or to carry on his duties so as to enable him to render a decision within a reasonable time after his appointment, the Minister may, upon notice or complaint to him by either of the parties and after consulting the parties, inform the parties in writing that the arbitrator is unable to enter on or to carry on his duties and the provisions of this section relating to the appointment of a board of arbitration shall thereupon apply *mutatis mutandis*.

Where single
arbitrator
unable to act

- (2) The said section 5 is further amended by adding thereto the following subsections:

s. 5,
amended

- (11a) The chairman of the board of arbitration shall fix the time and place of the first or any subsequent hearing and shall give notice thereof to the Registrar of the Commission and the Registrar shall notify the parties and the members of the board of arbitration thereof.

Chairman
to fix
hearings

Failure of
member
to attend

- (11b) Where a member of a board of arbitration appointed by a party or by the Minister is unable to attend the first hearing at the time and place fixed by the chairman, the party shall, upon the request in writing of the chairman, appoint a new member in place of such member and where such appointment is not made within five days of the date of the request, the Minister shall, upon the written request of the chairman, appoint a new member in place of such member.

s. 5 (12),
re-enacted

- (3) Subsection 12 of the said section 5 is repealed and the following substituted therefor:

Order to
expedite
proceedings

- (12) Where a board of arbitration has been established, the chairman shall keep the Registrar of the Commission advised of the progress of the arbitration and where the Registrar advises the Minister that the board has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he considers necessary in the circumstances to ensure that a decision will be rendered without delay.

ss. 5a, 5b,
enacted

- 5.** The said Act is amended by adding thereto the following sections:

Appointment
or
proceedings
of board
not subject
to review

- 5a. Where a person has been appointed as a single arbitrator or the three members have been appointed to a board of arbitration, it shall be presumed conclusively that the board has been established in accordance with this Act and no application shall be made, taken or heard for judicial review or to question the establishment of the board or the appointment of the member or members, or to review, prohibit or restrain any of its proceedings.

Single
arbitration
of several
disputes

- 5b.—(1) Where there are matters in dispute between parties to be decided by more than one arbitration in accordance with this Act, the parties may agree in writing that the matters in dispute shall be decided by one board of arbitration.

Parties

- (2) For the purposes of section 5, the trade unions and councils of trade unions that are the bargaining agents for or on behalf of any hospital employees to whom this Act applies shall be one party and the employers of such employees shall be the other party.

Powers
of board

- (3) In an arbitration to which this section applies, the board may, in addition to the powers conferred upon a board of arbitration by this Act,

(a) make a decision on matters of common dispute between all of the parties; and

(b) refer matters of particular dispute to the parties concerned for further bargaining.

- (4) Where matters of particular dispute are not resolved ^{Idem} by further collective bargaining pursuant to clause b of subsection 3, the board shall decide the matters.

6. Subsections 2, 3, 4, 5, 6, 7 and 8 of section 7 of the said Act are repealed and the following substituted therefor: ^{s. 7 (2-8), re-enacted}

- (2) If the parties fail to put the terms of all the matters ^{Failure to make agreement} agreed upon by them in writing or if having put the terms of their agreement in writing either of them fails to execute the document within seven days after it was executed by the other of them, they shall be deemed not to have made a collective agreement, and the provisions of sections 3 and 4 or sections 5 and 6, as the case may be, shall apply.

- (3) Where, during the bargaining under this Act or during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the collective agreement and have notified the board in writing of the matters agreed upon, the decision of the board shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties. ^{Decision of board}

- (4) Where the parties have not notified the board of ^{Idem} arbitration in writing that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute and such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties.

- (5) Within five days of the date of the decision of the board of arbitration or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute a document giving effect to the decision of the board and any agreement of the parties, and the document thereupon constitutes a collective agreement. ^{Execution of agreement}

Preparation
of agreement
by board

- (6) If the parties fail to prepare and execute a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties within the period mentioned in subsection 5, the parties or either of them shall notify the chairman of the board in writing forthwith, and the board shall prepare a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties and submit the document to the parties for execution.

Failure
to execute
agreement

- (7) If the parties or either of them fail to execute the document prepared by the board within a period of five days from the day of its submission by the board to them, the document shall come into effect as though it had been executed by the parties and the document thereupon constitutes a collective agreement under *The Labour Relations Act*.

R.S.O. 1970,
c. 232

Effective
date

- (8) Except in arbitrations under section 5*b*, the date the board of arbitration gives its decision is the effective date of the document that constitutes a collective agreement between the parties.

Idem

- (9) The date the board of arbitration gives its decision under section 5*b* upon matters of common dispute shall be deemed to be the effective date of the document that constitutes a collective agreement between the parties.

Term of
agreement

- (10) Except where the parties agree to a longer term of operation, any document that constitutes a collective agreement between the parties shall remain in force for a period of one year from the effective date of the document.

Idem

- (11) Notwithstanding the provisions of subsection 10 and except where the parties agree to a longer term of operation, a document that constitutes a collective agreement shall cease to operate on the expiry of a period of two years,
- (a) from the day upon which notice was given under section 13 of *The Labour Relations Act*; or
 - (b) from the day upon which the previous collective agreement ceased to operate where notice was given under section 45 of *The Labour Relations Act*.

(12) Where under subsection 11, the period of two years ^{Idem} has expired on or will expire within a period of less than ninety days from the date the board of arbitration gives its decision, the document that constitutes a collective agreement shall continue to operate for a period of ninety days from the date the board of arbitration gives its decision for the purposes of subsection 4 of section 5, subsection 1 of section 45 and subsection 2 of section 49 of *The Labour Relations Act*. ^{R.S.O. 1970, c. 232}

(13) In making its decision upon matters in dispute between the parties, the board of arbitration may provide, ^{Idem}

(a) where notice was given under section 13 of *The Labour Relations Act*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which such notice was given; or

(b) where notice was given under section 45 of *The Labour Relations Act*, that any of the terms of the agreement except its term of operation shall be retroactive to such day as the board may fix, but not earlier than the day upon which the previous agreement ceased to operate.

7. Subsections 2 and 3 of section 8 of the said Act are ^{s. 8 (2), re-enacted; s. 8 (3), repealed} repealed and the following substituted therefor:

(2) Sections 65 and 66, subsection 1 of section 67 and sections 68, 82, 83 and 84 of *The Labour Relations Act* as amended or re-enacted from time to time apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act. ^{Application of R.S.O. 1970, c. 232}

8.—(1) Subsection 1 of section 9 of the said Act is amended ^{s. 9 (1), amended} by striking out “or mediator” in the fifth and sixth lines.

(2) Subsection 2 of the said section 9 is amended ^{s. 9 (2), amended} by striking out “or mediator” in the fifth line and in the thirteenth line.

9. The said Act is further amended by adding thereto the ^{ss. 11a-11d, enacted} following sections:

11a. A notice by the Minister that a conciliation officer ^{Mailed notice} has been unable to effect a collective agreement if sent by mail to a party addressed to the party at its

last known address shall be deemed to have been received on the second day after the day on which the notice was so mailed.

Filing of
decisions

11b. Every chairman of a board of arbitration shall file a copy of every decision of the board with the Registrar of the Commission.

Surveys and
research
programs

11c.—(1) The Minister may require such surveys and research programs to be conducted as he considers advisable or necessary for the assistance of parties and boards of arbitration.

Idem

(2) A copy of any survey or research program conducted under subsection 1 or of the results thereof shall be admissible in evidence before a board of arbitration established under this Act.

Application
of 1971, c. 47

11d. Part I of *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before a board of arbitration established under this Act.

Current
strikes
and
lock-outs

10.—(1) Where persons employed in the operation of a stationary power plant that is deemed to be a hospital pursuant to subsection 4 of section 1 of *The Hospital Labour Disputes Arbitration Act* are on strike or locked out before or after this Act comes into force, the strike or lock-out shall be terminated immediately and such persons shall return to work, and the matters in dispute between the parties shall be determined by arbitration in accordance with *The Hospital Labour Disputes Arbitration Act*.

Current
disputes

(2) Where, before or after the coming into force of this Act, the Minister, by a notice in writing pursuant to the provisions of section 18 of *The Labour Relations Act*, informs the parties to a dispute in respect of persons employed in the operation of,

R.S.O. 1970,
c. 232

R.S.O. 1970,
c. 333

(a) a stationary power plant as defined in *The Operating Engineers Act* that is operated principally for one or more than one hospital; or

R.S.O. 1970,
c. 208

(b) a stationary power plant that is deemed to be a hospital pursuant to subsection 4 of section 1 of *The Hospital Labour Disputes Arbitration Act*,

that he does not consider it advisable to appoint a conciliation board, the notice shall be deemed to be a notice pursuant to section 3 of *The Hospital Labour Disputes Arbitration Act* and the matters in dispute shall be decided by arbitration in accordance with *The Hospital Labour Disputes Arbitration Act*.

(3) The provisions of sections 85, 86, 87, 88 and 90 of ^{Application of R.S.O. 1970, c. 232} *The Labour Relations Act* shall apply, *mutatis mutandis*, to a contravention of subsection 1.

11. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}

12. This Act may be cited as *The Hospital Labour Disputes* ^{Short title}
Arbitration Amendment Act, 1972.

CHAPTER 153

**An Act to amend
The Regional Municipality of York Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 149 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by inserting after "sections" in the first and second lines "246", so that the subsection shall read as follows:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 246, 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Regional Municipality of York Amendment Act, 1972 (No. 2)*.

CHAPTER 154

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The City of Timmins-Porcupine Act, 1972*, ^{s. 1, amended} being chapter 117 of the Statutes of Ontario, 1972, is amended by adding thereto the following clause:

(e) "Timmins Police Board" means the City of Timmins Board of Commissioners of Police.

2.—(1) Subsection 3 of section 17 of the said Act is repealed ^{s. 17 (3), re-enacted} and the following substituted therefor:

(3) Subject to subsection 4, the aggregate amount of the ^{Levy in areas} sums necessary in each area to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and ^{R.S.O. 1970, cc. 255, 284} debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area.

(2) The said section 17 is amended by adding thereto the ^{s. 17, amended} following subsection:

(4) Notwithstanding subsection 3, the council of the City <sup>Contri-
bution to
cost out of
general rates</sup> may in any year by by-law provide for a contribution towards the cost of any urban service to be included in the sums adopted for general purposes in accordance with section 307 of *The Municipal Act*, and the aggre-

gate amount of the sums necessary to pay such costs for the purposes of subsection 3, shall be reduced accordingly.

ss. 25a, 25b,
enacted

3. The said Act is amended by adding thereto the following sections:

Establish-
ment of a
board of com-
missioners of
police
R.S.O. 1970,
c. 251

25a. Notwithstanding *The Police Act*, a board of commissioners of police shall be constituted to be known as the City of Timmins Board of Commissioners of Police, which shall consist of,

- (a) the head of the council;
- (b) a judge of a court having jurisdiction in the Provisional Judicial District of Cochrane, designated by the Lieutenant Governor in Council; and
- (c) such person as the Lieutenant Governor in Council may designate.

City of
Timmins
Police Force

25b.—(1) Every person who is a member of a police force of a local municipality within the City on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the City of Timmins Police Force, and the provisions of subsections 3 to 5 of section 25 apply to such members but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

Idem

(2) Every person who is a member of a police force of a local municipality within the City on the 31st day of December, 1972, and becomes a member of the City of Timmins Police Force on the 1st day of January, 1973, is subject to the government of the Timmins Police Board to the same extent as if appointed by the Timmins Police Board and the City of Timmins Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the City of Timmins Police Force.

Terms of
employment

(3) Every person who becomes a member of the City of Timmins Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement

System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Timmins Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;

- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the City of Timmins Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973; and
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Timmins Police Board as he had standing to his credit in the plan of the local municipality.

(4) On or before the 15th day of December, 1972, the members of the municipal police forces within the ^{joint bargaining committee} City of Timmins shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Timmins Police Board in the manner and for the purposes provided in *The Police Act* and the Timmins Police Board shall be the sole negotiating body to bargain with such committee. ^{R.S.O. 1970, c. 351}

(5) The first meeting of the bargaining committee and the Timmins Police Board shall be held not later ^{Time of meeting} than the 31st day of December, 1972.

4. The said Act is further amended by adding thereto the ^{s. 31a, enacted} following section:

31a. For the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act* the City is deemed to be a township municipality. ^{City deemed township for purposes of R.S.O. 1970, c. 284, s. 376, pars. 1-4}

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The City of Timmins-Porcupine* ^{Short title} *Amendment Act, 1972.*

CHAPTER 155

An Act to amend The Milk Act

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 11 and 12 of subsection 1 of section 8 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 8 (1),
pars. 11, 12,
re-enacted

11. authorizing a marketing board,

- i. to require that a regulated product be marketed on a quota basis,
- ii. to prohibit any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product, and
- iii. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota;

12. authorizing a marketing board,

- i. to fix and allot to persons quotas for the marketing of a regulated product on such basis as the marketing board considers proper,
- ii. to refuse to fix and allot to any person a quota for the marketing of a regulated product for any reason that the marketing board considers proper,
- iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the

marketing of a regulated product for any reason that the marketing board considers proper, and

- iv. to permit any person to whom a quota has been fixed and allotted for the marketing of a regulated product to market any of the regulated product in excess of such quota on such terms and conditions as the marketing board considers proper.

s. 8,
amended

(2) The said section 8 is amended by adding thereto the following subsection:

Acts of
marketing
board deemed
administra-
tive

- (7a) Everything that is done by a marketing board under the authority of paragraph 12 of subsection 1 shall be deemed to be of an administrative and not of a legislative nature.

Regulations
deemed valid
and binding

2.—(1) Each of the following regulations:

1. Ontario Regulation 52/68, filed with the Registrar of Regulations on the 26th day of February, 1968, amended by Ontario Regulation 131/68, and consolidated and revised as Regulation 592 of Revised Regulations of Ontario, 1970, amended by Ontario Regulation 443/72.
2. Ontario Regulation 68/68, filed with the Registrar of Regulations on the 1st day of March, 1968, amended by Ontario Regulations 336/68, 126/69 and 39/70, and consolidated and revised as Regulation 599 of Revised Regulations of Ontario, 1970, amended by Ontario Regulation 47/71.
3. Ontario Regulation 483/70, filed with the Registrar of Regulations on the 24th day of November, 1970, and consolidated and revised as Regulation 596 of Revised Regulations of Ontario, 1970.
4. Ontario Regulation 138/71, filed with the Registrar of Regulations on the 1st day of April, 1971,

shall be deemed to have been made under *The Milk Act*, as amended by section 1 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which the regulation was filed.

(2) Nothing in subsection 1 limits the power of The Ontario Milk Marketing Board or The Ontario Cream Producers' Marketing Board, as the case may be, to amend or revoke any regulation mentioned in subsection 1. ^{powers not limited}

3.—(1) Everything heretofore done by a marketing board acting or purporting to act pursuant to authority delegated under paragraph 11 or 12 of subsection 1 of section 8 of *The Milk Act, 1965*, or under paragraph 11 or 12 of subsection 1 of section 8 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, shall be deemed to have been done under *The Milk Act*, as amended by section 1 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which it was done. ^{Actions of marketing board declared valid and binding 1965, c. 72}

(2) Nothing in subsection 1 limits the powers of The Milk Commission of Ontario under section 26 of *The Milk Act*. ^{No limitation on powers}

(3) Nothing in subsection 1 limits the power of a marketing board, ^{Idem}

(a) to amend or revoke any regulation, order or direction ;
or

(b) to vary or rescind any decision,

heretofore made.

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Milk Amendment Act, 1972*. ^{Short title}

CHAPTER 156

**An Act to amend
The Farm Products Marketing Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 12 and 13 of subsection 1 of section 8 <sup>s. 8 (1),
pars. 12, 13,
re-enacted</sup> of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

12. authorizing a local board,

- i. to require that a regulated product be marketed on a quota basis,
- ii. to prohibit any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product,
- iii. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota, and
- iv. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product produced on lands or premises in respect of which such quota was fixed and allotted from marketing any of the regulated product other than the regulated product produced on such lands or premises;

13. authorizing a local board,

- i. to fix and allot to persons quotas for the marketing of a regulated product on such basis as the local board considers proper,

- ii. to refuse to fix and allot to any person a quota for the marketing of a regulated product for any reason that the local board considers proper,
- iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the local board considers proper, and
- iv. to permit any person to whom a quota has been fixed and allotted for the marketing of a regulated product to market any of the regulated product in excess of such quota on such terms and conditions as the local board considers proper.

s. 8,
amended

(2) The said section 8 is amended by adding thereto the following subsection:

Acts of
marketing
board deemed
administra-
tive

- (7) Everything that is done by a local board under the authority of paragraph 13 of subsection 1 shall be deemed to be of an administrative and not of a legislative nature.

s. 21 (2), (b, c),
re-enacted

2.—(1) Clauses *b* and *c* of subsection 2 of section 21 of the said Act are repealed and the following substituted therefor:

(b) authorizing the local board,

- (i) to require that tobacco be produced on a basis of tobacco acreage or other production quota,
- (ii) to prohibit any person to whom a tobacco acreage or other production quota has not been fixed and allotted or whose tobacco acreage or other production quota has been cancelled from producing tobacco,
- (iii) to prohibit any person to whom a tobacco acreage or other production quota has been fixed and allotted from producing any tobacco on acreage in excess of the tobacco acreage, or other production quota, fixed and allotted to such person, and
- (iv) to prohibit any person from producing tobacco on land other than a tobacco farm in respect

of which a tobacco acreage or other production quota has been fixed and allotted to such person ;

(c) authorizing the local board,

- (i) to fix and allot to persons tobacco acreages or other production quotas on such basis as the local board considers proper,
- (ii) to refuse to allot to any person a tobacco acreage or other production quota on such basis as the local board considers proper,
- (iii) to cancel or reduce, or refuse to increase, a tobacco acreage or other production quota fixed and allotted to any person for any reason that the local board considers proper.

(2) The said section 21 is amended by adding thereto the ^{s. 21,} following subsections: ^{amended}

(4a) Where the Board authorizes the local board to exercise any of the powers mentioned in subsection 2, the local board, in the exercise of such powers, may make regulations or orders or issue directions. ^{Exercise of powers by local board}

(4b) Everything that is done by the local board under the authority of clause c of subsection 2 shall be deemed to be of an administrative and not of a legislative nature. ^{Actions of local board deemed to be administrative}

3.—(1) Every order, regulation or direction heretofore made and everything heretofore done by a local board acting or purporting to act pursuant to authority delegated under paragraph 12 or 13 of subsection 1 of section 8 or under clause a, b or c of subsection 2 of section 21 of *The Farm Products Marketing Act* or any predecessors of such paragraphs or clauses, as the case may be, shall be deemed to have been made or done under *The Farm Products Marketing Act*, as amended by sections 1 and 2 of this Act, and is hereby declared valid and binding for all intents and purposes, and shall be deemed to have been valid and binding for all intents and purposes from the date on which it was made or done. ^{Orders, etc., deemed to be valid and binding}
^{R.S.O. 1970, c. 162}

(2) Nothing in subsection 1 limits the powers of The Farm Products Marketing Board under section 11 of *The Farm Products Marketing Act*. ^{No limitation on authority}

(3) Nothing in subsection 1 limits the power of a local board, ^{Idem}

(a) to amend or revoke any regulation, order or direction;
or

(b) to vary or rescind any decision,

heretofore made.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Farm Products Marketing Amendment Act, 1972*.

CHAPTER 157

**An Act to amend
The Community Centres Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Community Centres Act*, being chapter 73^{s. 2,} of the Revised Statutes of Ontario, 1970, is repealed and^{re-enacted} the following substituted therefor:

2.—(1) The Minister may grant aid to any municipality^{Grants} for the construction, alteration, extension, acquisition or renovation of a community centre but no grant shall exceed the lesser of,

(a) \$10,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of,

(i) a building or that part of a building designed for a community hall or skating arena, or

(ii) an athletic field or outdoor skating rink;

(b) \$15,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of,

(i) a building or that part of a building designed for an indoor swimming pool, or

(ii) an outdoor swimming pool;

(c) \$20,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition

or renovation, as the case may be, of a building or that part of a building designed to include both a community hall and a skating arena; or

- (d) \$25,000 or 25 per cent of the cost of the construction, alteration, extension, acquisition or renovation, as the case may be, of a building or that part of a building designed to include both a community hall and an indoor swimming pool.

Idem

- (2) Grants may be made under subsection 1 to any municipality in respect of more than one community centre.

Provision
for moneys

- (3) The grants are payable out of the moneys appropriated therefor by the Legislature.

s. 3,
repealed

- 2.** Section 3 of the said Act is repealed.

s. 4 (1),
amended

- 3.** Subsection 1 of section 4 of the said Act is amended by inserting after "purchase" in the third line "lease".

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Community Centres Amendment Act, 1972*.

CHAPTER 158

**An Act to amend
The Elderly Persons Centres Act***Assented to December 15th, 1972**Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Elderly Persons Centres Act*, being chapter 140 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(c) "centre" means all or any part of a building or buildings maintained and operated to provide social, recreational or other services for elderly persons.

2. Subsection 3 of section 2 of the said Act, as re-enacted <sup>s. 1 (c),
re-enacted</sup> by the Statutes of Ontario, 1971, chapter 50, section 35, is amended by striking out "or section 3" in the first line.

3. Subsection 1 of section 3 of the said Act is amended <sup>s. 2 (3),
amended</sup> by adding at the end thereof "and may acquire by purchase, lease or otherwise real and personal property for that purpose".

4. Subsection 1 of section 4 of the said Act is repealed <sup>s. 3 (1),
amended</sup> and the following substituted therefor:

(1) The Minister may out of moneys appropriated <sup>s. 4 (1),
re-enacted</sup> therefor by the Legislature direct payment to a <sup>Capital
grants to
centres</sup> municipality or to an approved corporation for the erection, alteration, extension, renovation, acquisition or the furnishing and equipping of a centre of an amount determined by the regulations but not exceeding 30 per cent or such higher percentage as the regulations prescribe of the cost thereof to the municipality or to the approved corporation, but no payment shall be made to the approved corporation unless the council of the municipality in which the building or premises of the corporation

to be used as a centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost so computed or contributes to the approved corporation real or personal property approved by the Minister that is equivalent in value to at least 20 per cent of the said cost.

ss. 5, 6,
re-enacted

5. Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Special
grants

5. The Minister may out of moneys appropriated therefor by the Legislature direct payment of grants in accordance with the regulations in respect of the cost of those services, facilities or research for elderly persons for which grants by Ontario are not otherwise payable under this Act.

Evaluation
and survey

5a. Before selecting or acquiring a site, or erecting or acquiring all or any part of a building or an addition thereto for use as a centre in respect of which a grant is payable by Ontario under this Act, the municipality or corporation establishing or adding to the centre shall establish the need for the centre or the addition thereto to the satisfaction of the Minister and shall,

(a) evaluate the site in accordance with the regulations to determine whether it will best serve the program of the centre and the best interests of the elderly persons to be served by the centre;

(b) conduct a survey of the community and a review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister.

Approval
of plans

6. No grant under subsection 1 of section 4 shall be made until,

(a) in the case of the erection or acquisition of all or any part of a building or an addition thereto, the site thereof, selected and evaluated in accordance with the regulations, has been approved by the Minister; and

- (b) the plans of the building being erected, altered, extended, renovated or acquired, developed and prepared in accordance with the regulations,

have been approved in writing by the Minister.

6. Subsection 1 of section 7 of the said Act is amended^{s. 7 (1), amended} by striking out "a grant under subsection 1 of section 4" in the first and second lines and inserting in lieu thereof "financial aid from Ontario under this Act".

7.—(1) Subclause ii of clause c of section 10 of the said Act is amended by inserting after "acquiring" in the fourth line^{s. 10 (c) (ii), amended} "or furnishing and equipping".

(2) Clause c of the said section 10 is amended by adding^{s. 10 (c), amended} thereto the following subclause:

- (iii) a higher percentage for the maximum amount of a grant payable by Ontario.

(3) The said section 10, as amended by the Statutes of^{s. 10, amended} Ontario, 1971, chapter 50, section 35, is further amended by adding thereto the following clauses:

- (ga) prescribing procedures for selecting and evaluating the site of a building to be erected, acquired or added to by a corporation or municipality, and for conducting a survey of the community and a review of population requirements and the contents of a report to be submitted to the Minister under section 5a;

- (gb) prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans.

8. This Act comes into force on the day it receives Royal^{Commence-} Assent^{ment}.

9. This Act may be cited as *The Elderly Persons Centres*^{Short title} *Amendment Act, 1972*.

CHAPTER 159

An Act to amend The Judicature Act

*Assented to December 15th, 1972**Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1 (k), re-enacted}

(*k*) “judge” includes a chief justice, an *ex officio* judge and a supernumerary judge.

2. The said Act is amended by adding thereto the following section: ^{s. 5a, enacted}

5a. For each office of judge of the Court of Appeal and of the High Court of Justice there shall be the ^{Super-numerary judge} additional office of supernumerary judge held by a judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a super-numerary judge of that court. ^{R.S.C. 1970, c. J-1}

3.—(1) Subsection 3 of section 8 of the said Act is amended by inserting at the commencement thereof “Subject to subsection 4”. ^{s. 8 (3), amended}

(2) The said section 8 is amended by adding thereto the following subsection: ^{s. 8, amended}

(4) The supernumerary judges have rank and precedence ^{Idem} after the other judges and among themselves according to seniority of appointment as a judge.

4. Subsection 1 of section 11 of the said Act is repealed and the following substituted therefor: ^{s. 11 (1), re-enacted}

(1) Where a judge resigns his office or is appointed to any other court or elects to hold office only as a ^{Judgment after leaving office}

supernumerary judge or ceases to hold office by reason of his having reached the age of retirement, he may at any time within eight weeks after such event, give judgment in any cause, action or matter previously tried or heard before him, as if he had not so resigned, been appointed, elected or ceased to hold office.

s. 15,
amended

5. Section 15 of the said Act is amended by striking out “or any retired judge of that court” in the fourth line and by striking out “or retired judge” in the tenth line.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Judicature Amendment Act, 1972 (No. 2)*.

CHAPTER 160

**An Act to amend
The Schools Administration Act***Assented to December 15th, 1972**Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 90, section 4, is further amended by adding thereto the following subsection:

- (7) Where, after the hearing has commenced, the representative of the board or of the teacher dies, for any reason is unable to continue to act or withdraws from the Board of Reference, the other representative shall withdraw and the decision of the Board of Reference shall be made by the chairman.

s. 26,
amended

Death or
withdrawal
of repre-
sentative

2. The said Act is amended by adding thereto the following section:

s. 26a,
enacted

- 26a.—(1) Where, before the hearing has commenced, the chairman of a Board of Reference dies, disqualifies himself, for any reason is unable to act or is prohibited from acting, the Minister shall direct another judge to act as chairman and the Board of Reference shall proceed in accordance with this Part except that for the purposes of section 27 the date of appointment of the chairman is the date of appointment of the chairman directed to act under this section.

Death, etc.,
of chairman
before
hearing

- (2) Where, after the hearing has commenced and before the chairman of a Board of Reference reports to the Minister and to the parties,

New Board
of Reference
after hearing
commences

- (a) the chairman dies, disqualifies himself, for any reason is unable to continue as chairman or is prohibited from acting; or

- (b) the Board of Reference is prohibited from acting or proceeding,

the Board of Reference is terminated and where, within ninety days after the death, disqualification, inability to continue or prohibition referred to in clause *a* or *b*, the person who applied for the Board of Reference requests the Minister in writing to grant another Board of Reference, the Minister may grant a new Board of Reference, in which case the provisions of this Part apply *mutatis mutandis* except that the representatives named to the new Board of Reference shall not be the representatives named to the Board of Reference terminated under this subsection and the determination and direction of the costs under section 31 may include the costs, if any, incurred in respect of the Board of Reference terminated under this subsection.

Procedure
at new Board
of Reference

- (3) Where a new Board of Reference is granted under subsection 2, the hearing shall proceed as if the hearing by the Board of Reference terminated under subsection 2 had not commenced.

s. 28 (2),
repealed

- 3.** Subsection 2 of section 28 of the said Act is repealed.

s. 29 (1, 2),
re-enacted

- 4.** Subsections 1 and 2 of section 29 of the said Act are repealed and the following substituted therefor:

Direction of
Board of
Reference

- (1) A Board of Reference shall direct the continuance of the contract or the discontinuance of the contract.

Report to
Minister

- (2) The chairman of a Board of Reference shall, within seven days after the completion of the hearing and the receipt of any written submissions required by him, report the direction of the Board of Reference to the Minister and to the parties.

Commence-
ment

- 5.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 2 shall be deemed to have come into force on the 1st day of October, 1972.

Short title

- 6.** This Act may be cited as *The Schools Administration Amendment Act, 1972 (No. 2)*.

CHAPTER 161

An Act to amend The Assessment Act

Assented to December 15th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 79, section 1, 1972, chapter 1, section 89 and 1972, chapter 125, section 1, is further amended by adding thereto the following clause:

(aa) "Assessment Review Court" and "Assessment Review Court established under this Act" mean the Assessment Review Court constituted under *The Assessment Review Court Act, 1972*, c. 111 ^{s. 1, amended}.

2. The said Act is amended by adding thereto the following ^{s. 97, enacted} section:

97.—(1) Notwithstanding any other provision of this Act, the Lieutenant Governor by his proclamation may provide that, on a day named in the proclamation, the whole or any part of the provisions of sections 85 to 92 shall cease to be in force in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and upon the making of such a proclamation the provisions of this Act specified in the proclamation cease to be in force in the municipality or territory without municipal organization comprised in a locality named or described as of the date named in the proclamation, but such a proclamation shall not extend the application of any provision therein mentioned beyond the time that the provision would otherwise cease to be in force as set out in section 93, 94 or 95. ^{Proclaiming suspension of ss. 85-92}

(2) Notwithstanding section 96, the Lieutenant Governor by his proclamation may name a day earlier than ^{Proclaiming certain provisions in force}

the 1st day of January, 1974 upon which the provisions of this Act referred to in section 96 shall cease to be inoperative and shall come into force in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and upon the making of the proclamation such provisions shall cease to be inoperative and shall come into force in the named or described municipality or territory without municipal organization comprised in a locality upon the day named in the proclamation.

Assessment
roll to be
returned

- (3) In any proclamation made under this section, the Lieutenant Governor may also name a day, not less than one month after the date in the proclamation specified as the date when it takes effect in any municipality or territory without municipal organization comprised in a locality, upon which the assessment commissioner for the assessment region within which any municipality or territory without municipal organization comprised in a locality named or described in the proclamation is situated shall return a new assessment roll for the assessment at market value of real property in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and the assessment commissioner shall return a new assessment roll for such municipality or territory without municipal organization comprised in a locality in accordance with the provisions of this Act that will be in force in that municipality or territory without municipal organization comprised in a locality on the day that the new assessment roll is returned.

1973 tax to
be on basis
of new
assessment
roll

- (4) Notwithstanding any special or general Act to the contrary, where, during the year 1973, a proclamation is made under this section in which a day is named for the return of a new assessment roll in a municipality described in the proclamation, any municipal or school tax to be levied and raised in the year 1973 by the council of such municipality under the authority of *The Municipal Act*, and any taxes and rates that, by any other enactment, the council of such municipality may be required to levy and collect in the year 1973, and any mill rate to be determined in such municipality for the year 1973 for the purpose of taxation in that year shall be based on the value of property contained in the new assessment roll returned in such municipality in accordance with subsection 3.

R.S.O. 1970,
c. 284

- (5) Notwithstanding section 72, where during the year 1973 a proclamation is made under this section in which a day is named for the return of a new assessment roll in a township, town or village described in the proclamation, the council of the county in which such township, town or village is situated may by by-law passed before the 1st day of August, 1973 determine to apportion the county rate for the year 1973 by taking into consideration and making adjustment for any change in assessment that has resulted from the return of a new assessment roll in accordance with subsection 3 in any township, town or village situated in the county, and except in so far as they are inconsistent with this section, the provisions of section 72 apply to the apportionment of the county rate for the year 1973, and within ten days of the passing of a by-law under this subsection, the county clerk shall send a copy of such by-law by registered mail to the clerk of each municipality situated within the boundaries of the county. Apportionment of county rate
- (6) Notwithstanding any special or general Act to the contrary, where, during the year 1973, a proclamation is made under this section in which a day is named for the return of a new assessment roll in a territory without municipal organization comprised in a locality described in the proclamation, any taxes for school purposes that a public school board, divisional board of education or separate school board levies in the year 1973 in the territory without municipal organization comprised in a locality, and any mill rate to be determined in such territory without municipal organization comprised in a locality for taxation for school purposes in that year, shall be based on the value of property contained in the new assessment roll returned in such territory without municipal organization comprised in a locality in accordance with subsection 3. 1973 tax to be on basis of new assessment roll
- (7) For the purpose of providing an assessment roll for taxation in the year 1974 in any municipality or territory without municipal organization comprised in a locality named or described in a proclamation made under this section, nothing contained in this section shall be construed to prevent the return in the year 1973 in such municipality or territory without municipal organization comprised in a locality of a second assessment roll in accordance with the provisions of this Act that will be in force Return of second roll not prevented

in such municipality or territory without municipal organization comprised in a locality after the proclamation comes into force.

Proclamation
may be for
part of a
municipality
or
unorganized
territory

- (8) A proclamation under this section may be made for part only of a municipality or of territory without municipal organization comprised in a locality, and where a day is named in such proclamation for the return of a new assessment roll in accordance with subsection 3, the new assessment roll shall be returned for only the real property situated in that part of the municipality or territory without municipal organization comprised in a locality that is described in the proclamation.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Assessment Amendment Act, 1972 (No. 2)*.

CHAPTER 162

An Act to amend The Milk Act

*Assented to November 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

8a. “Director” means the Director of The Milk Industry Branch of the Ministry of Agriculture and Food.

(2) Paragraph 17 of the said section 1 is repealed and the following substituted therefor:

17. “milk” means milk from cows or goats.

2.—(1) Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:

- (1) The duties and responsibilities of the Commission are, Duties and responsibilities of Commission
- (a) to exercise such powers as are conferred upon it by or under this Act;
 - (b) to develop and formulate policies to stimulate and improve the marketing of milk and milk products;
 - (c) to select, develop and maintain research programs required for policy development and formulation;
 - (d) to inquire into the efficiency of such policies and the manner in which they are being implemented;
 - (e) to co-operate with the Canadian Dairy Commission or any other agency of Canada or of

any province of Canada respecting the producing, processing and marketing of milk and milk products;

(f) to provide and maintain liaison with organizations representing producers, processors or transporters in Ontario; and

(g) to conduct such studies as the Minister directs respecting the producing, processing and marketing of milk or milk products, and report thereon to the Minister.

s. 4 (2) (e),
amended

(2) Clause *e* of subsection 2 of the said section 4 is amended by inserting after "producing" in the first line "processing" and by inserting after "production" in the third line "processing".

s. 4 (3),
re-enacted

(3) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Powers of
Commission

1971, c. 49

(3) The Commission, for the purposes of any inquiry, arbitration or investigation under subsection 2, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry, arbitration or investigation as if it were an inquiry under that Act.

s. 8 (1), par. 22,
amended

3.—(1) Paragraph 22 of subsection 1 of section 8 of the said Act is amended by inserting after "the" in the third line "Commission or to a".

s. 8 (1), par. 39,
repealed

(2) Paragraph 39 of subsection 1 of the said section 8 is repealed.

s. 12a,
enacted

4. The said Act is amended by adding thereto the following section:

Respon-
sibility of
Director

12a.—(1) The Director shall be responsible for the administration and enforcement of this Act and the regulations with respect to the quality of milk, milk products and fluid milk products within Ontario.

Powers and
duties of
Director

(2) The Director shall exercise such powers and perform such duties as are conferred or imposed upon him by or under this Act.

Appoint-
ments

(3) Such officers, field-men and other employees as are considered necessary for the exercise of the powers and the performance of the duties of the Director may be appointed under *The Public Service Act*.

- (4) Every officer, field-man or other employee of the Commission heretofore appointed under subsection 7 of section 3 or under *The Public Service Act* for the administration and enforcement of *The Milk Act* and the regulations with respect to the quality of milk, milk products or fluid milk products within Ontario who is carrying on his duties on the day *The Milk Amendment Act, 1972 (No. 2)* comes into force shall be deemed to have been appointed in accordance with subsection 3.
- Previous appointments deemed to be made under Act
R.S.O. 1970, c. 386
1972, c. 162

5.—(1) Subsection 1 of section 13 of the said Act is amended by striking out “Commission” in the second and third lines and inserting in lieu thereof “Director”.

s. 13 (1), amended

(2) Subsection 2 of the said section 13 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 13 (2), amended

(3) Subsection 3 of the said section 13 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Director”.

s. 13 (3), amended

(4) Clause *a* of subsection 3 of the said section 13 is amended by striking out “Commission” in the first line and inserting in lieu thereof “Director”.

s. 13 (3) (a), amended

6.—(1) Subsection 1 of section 14 of the said Act is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 14 (1), amended

(2) Subsection 2 of the said section 14 is amended by striking out “Commission” in the second line and inserting in lieu thereof “Director”.

s. 14 (2), amended

7.—(1) Paragraph 5 of section 18 of the said Act is amended by inserting after “Commission” in the second line “or Director”.

s. 18, par. 5, amended

(2) Paragraph 59 of the said section 18 is amended by inserting after “Commission” in the second line and in the third line “or Director”.

s. 18, par. 59, amended

8. Section 20 of the said Act is amended by inserting after “Commission” in the third line “or the Director”.

s. 20, amended

9. Section 23 of the said Act is amended by inserting after “board” in the fourth line “or of any order or direction of the Director” and by inserting after “board” in the eighth line “or by the Director”.

s. 23, amended

s. 26 (1, 2, 4),
re-enacted

10.—(1) Subsections 1, 2 and 4 of section 26 of the said Act are repealed and the following substituted therefor:

Appeal to
Commission

- (1) Where any person considers himself aggrieved by any order, direction or decision of the Director, he may appeal to the Commission by serving upon the Commission written notice of the appeal.

Idem

- (2) Where any person considers himself aggrieved by any order, direction, decision or regulation of a marketing board, he may appeal to the Commission by serving upon the Commission written notice of the appeal.

.

Notice of
appeal

- (4) Upon receipt of a notice under subsection 1 or 2, the Commission shall forthwith notify the Director or the marketing board, as the case may be, and the Director or the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents or other materials, of any kind whatsoever, in his or its possession.

s. 26 (5),
amended

(2) Subsection 5 of the said section 26 is amended by striking out “or the marketing board, as the case may be” in the first and second lines.

s. 26 (6, 8-10),
re-enacted

(3) Subsections 6, 8, 9 and 10 of the said section 26 are repealed and the following substituted therefor:

Appeal to
Commission

- (6) The Commission shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission may, at the request of the person making the appeal, or of the Director or marketing board, adjourn the hearing from time to time for such period or periods of time as the Commission considers just.

.

Hearing of
appeal

- (8) At any hearing of an appeal,
- (a) under subsection 1, the Director, either by himself or through counsel; or
- (b) under subsection 2, the marketing board, either by its officers, or any of them, or through counsel,

has the right to attend and make representations and to adduce evidence respecting the appeal.

- (9) Upon an appeal to the Commission under subsection 1 or 2, the Commission may, by order, direct the Director or the marketing board, as the case may be, to take such action as the Director or the marketing board is authorized to take under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director or the marketing board. Powers of Commission on appeal

- (10) The Commission shall, within ten days after the hearing is completed, serve notice upon the person making the appeal and upon the Director or the marketing board, as the case may be, of its decision. Notice of decision

(4) Clause *a* of subsection 12 of the said section 26 is s. 26 (12) (a), re-enacted repealed and the following substituted therefor:

- (a) where the notice is served on the Director, the Commission or a marketing board, by mailing the notice to the address of the Director, Commission or marketing board, as the case may be, at his or its usual business address; or

(5) Subsection 13 of the said section 26 is amended by s. 26 (13), amended striking out "or a marketing board" in the first line and by striking out "or marketing board" in the second line.

11. The said Act is further amended by adding thereto ss. 26a, 26b, enacted the following sections:

26a.—(1) Where any person considers himself aggrieved by any order, direction or decision of the Commission, the Director or a marketing board, he may, by application in writing therefor, request the Commission or, notwithstanding subsection 1 or 2 of section 26, the Director or marketing board, as the case may be, to reconsider such order, direction or decision. Application to Commission, etc., for reconsideration of order, etc.

- (2) On any application under subsection 1, the Commission, Director or marketing board, as the case may be, shall not vary or rescind its or his decision adversely to the interests of any person without holding a hearing to which such person is a party No variation in any order, etc., without hearing

and may make such decision pursuant to such hearing as it or he considers proper under this Act and the regulations.

Application
to marketing
board for
reconsidera-
tion of
regulation

26*b*.—(1) Where any person is affected by any regulation of a marketing board, he may, notwithstanding subsection 2 of section 26, request the marketing board to reconsider the regulation by serving upon the marketing board written notice of the request.

Application
to Com-
mission for
reconsidera-
tion of
application

(2) Where any person is affected by any regulation of the Commission, he may request the Commission to reconsider the regulation by serving upon the Commission written notice of the request.

Opportunity
to be heard

(3) On receipt of a notice under this section, the marketing board or Commission, as the case may be, shall hold or shall afford to the person making the request an opportunity for a hearing.

Commence-
ment

12. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The Milk Amendment Act, 1972 (No. 2)*.

CHAPTER 163

An Act to provide for the Licensing and Practice of Denture Therapists

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Denture Therapists Licensing Board established under section 7;
- (b) "dental surgeon" means a member of the Royal College of Dental Surgeons of Ontario;
- (c) "denture therapist" means a person licensed under this Act to engage in the practice of denture therapy;
- (d) "incompetence" means the display of a lack of knowledge, skill or judgment in the professional care of a patient or disregard for the welfare of a patient of a nature or to an extent that demonstrates that the denture therapist is unfit to continue in the practice of denture therapy;
- (e) "Minister" means the Minister of Health;
- (f) "practice of denture therapy" means,
 - (i) the taking of impressions or bite registrations for the purpose of, or with a view to, the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any removable prosthetic denture,
 - (ii) the fitting of any removable prosthetic denture, and
 - (iii) the making, producing, reproducing, constructing, furnishing, supplying, altering and repairing removable prosthetic dentures in respect of which a service is performed under subclause i or ii;

- (g) "professional misconduct" means professional misconduct as defined in the regulations;
- (h) "Registrar" means the Registrar of Denture Therapists appointed under section 3;
- (i) "regulations" means the regulations made under this Act.

Administra-
tion of Act

2. The Minister of Health is responsible for the administration of this Act.

Registrar
of Denture
Therapists

3. There shall be a Registrar of Denture Therapists who shall be appointed by the Lieutenant Governor in Council.

Practice
of denture
therapy

4.—(1) Subject to subsection 2, no person, other than a dental surgeon or a person licensed under this Act as a denture therapist, shall engage in or hold himself out as qualified or entitled to engage in the practice of denture therapy.

Contraven-
tion of
R.S.O. 1970,
c. 108

(2) Any person who contravenes subsection 1 shall be deemed to be in contravention of section 21 of *The Dentistry Act*, subject to subsection 4 thereof.

Issuance of
licence

5.—(1) An applicant therefor is entitled to be issued a licence by the Registrar except where,

- (a) the applicant does not have the educational qualifications or experience required by the regulations or fails to pass the examinations set by the Board;
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on his practice with integrity and honesty.

Conditions
of licence

(2) A licence is subject to such terms and conditions as are consented to by the applicant, imposed by the Board or prescribed by the regulations.

Expiry

(3) A licence expires one year after its issue or renewal.

Refusal to
issue

6.—(1) Subject to section 8, the Registrar may refuse to issue or renew a licence to an applicant where in the Registrar's opinion the applicant is not entitled to a licence under section 5.

Suspension
or revocation
of licence

(2) Subject to section 8, the Registrar may suspend or revoke a licence,

- (a) for any reason that would disentitle the licensee to be issued a licence under section 5 if he were an applicant;

- (b) where the licensee is in breach of a term or condition of his licence;
- (c) where the licensee is in contravention of this Act or the regulations or of *The Dentistry Act* or any regulation or by-law thereunder; or R.S.O. 1970, c. 108
- (d) where the licensee has been guilty of professional misconduct or incompetence.

7.—(1) There shall be a board to be known as the Denture Therapists Licensing Board composed of members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman. Denture Therapists Licensing Board

- (2) The Board shall be composed of, Composition of Board
 - (a) four members representing the public interest;
 - (b) one dental surgeon;
 - (c) two denture therapists who shall be appointed as soon as practicable after the coming into force of this Act;
 - (d) one dental technician registered under *The Dental Technicians Act*; R.S.O. 1970, c. 107
 - (e) one dental hygienist under *The Dentistry Act*. R.S.O. 1970, c. 108

(3) Five members of the Board constitute a quorum, at least one of whom shall be a member appointed to represent the public interest. Quorum

(4) Such officers and employees as are considered necessary for the carrying out of the duties of the Board may be appointed under *The Public Service Act*. Staff R.S.O. 1970, c. 386

(5) The members of the Board shall be paid such remuneration for their services and allowances for expenses as is fixed by the Lieutenant Governor in Council. Remuneration

- (6) The Board shall, Duties of Board
 - (a) conduct the hearings and proceedings under section 8;

- (b) review the operation of this Act and the regulations and make recommendations to the Minister thereon;
- (c) set or approve examinations for the qualification of applicants for licences;
- (d) perform such other duties as are assigned to it by this Act or the regulations or by any other Act.

Notice of
proposal to
refuse or
revoke

8.—(1) Where the Registrar proposes to refuse to issue a licence or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal together with written reasons therefor on the applicant or licensee.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Board

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Board may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Extension
of times

(6) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

(7) Where, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

9.—(1) The Registrar, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties

(2) Notice of a hearing under section 8 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(3) An applicant or licensee who is a party to proceedings under section 8 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Only
members at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

10.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Registrar to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Registrar or the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Service of
notice

11.—(1) Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

(2) Notwithstanding subsection 1, the Board may order ^{Idem} any other method of service in respect of any matter before the Board.

12. No action or other proceeding for damages shall be ^{Immunity from civil liability} instituted against the Registrar, the Board or any member of the Board or anyone acting under the authority of such Registrar, Board or member, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

13. No licensed denture therapist is liable to any action ^{Limitation for commencing actions} for negligence or malpractice, by reason of professional services requested or rendered, unless such action is commenced within two years from the date when, in the matter complained of, such professional services terminated.

14. No person who is not licensed under this Act shall hold ^{Use of title "denture therapist"} himself out as being engaged in or qualified to engage in the practice of denture therapy or use or describe himself, or permit himself to be described, as a denture therapist.

15.—(1) No denture therapist shall practise intra-oral ^{Practice under supervision of dental surgeon} procedures of denture therapy on a patient except in the office of a dental surgeon or dental clinic and under the direct supervision of a dental surgeon.

(2) Every dental surgeon who uses the services of a denture ^{Duty of dental surgeon} therapist shall personally supervise the work of the denture therapist on a patient and shall inform himself of all aspects of the progress of the work.

(3) No licensed denture therapist shall perform any act in ^{Acts outside scope of practice} the practice of dentistry except within the scope of the practice of denture therapy performed in the manner required by this Act.

16.—(1) Every person who,

Offences

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

- (b) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Limitation (2) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

Idem (3) No proceeding under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate
as evidence

17. A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar;
or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing,

purporting to be certified by the registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations

18. The Lieutenant Governor in Council may make regulations,

- (a) governing the manner in which denture therapists conduct their practice and business affairs;
- (b) defining professional misconduct;
- (c) prescribing the manner in which denture therapists may describe themselves and their practice and prohibiting the use of such descriptions in connection with any other person or activity;
- (d) governing applications for and issuing of licences to engage in the practice of denture therapy and

renewals thereof and prescribing terms and conditions of licences ;

- (e) requiring the payment of fees on applications for licences and renewals and for the taking of examinations and prescribing the amounts thereof ;
- (f) prescribing the qualifications of applicants for licences and renewals and providing for the holding of oral and written examinations set or approved by the Board ;
- (g) prescribing procedures that may be performed as incidental to the practice of denture therapy ;
- (h) requiring licensed denture therapists to make returns and furnish information to the Registrar ;
- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit ;
- (j) prescribing forms for the purposes of this Act and providing for their use ;
- (k) prescribing further procedures respecting matters coming before the Board ;
- (l) assigning additional duties to the Board ;
- (m) defining the term commercial dental laboratory and prohibiting a denture therapist from having any proprietary interest therein.

19. The moneys required for the administration of this ^{Moneys} Act shall, until the 31st day of March, 1973, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

20. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation.

21. This Act may be cited as *The Denture Therapists Act*, ^{Short title} 1972.

CHAPTER 164

An Act to amend The Regional Municipality of Waterloo Act, 1972

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105 of the Statutes of Ontario, 1972, is amended by adding thereto the following subsection:

(9a) Where the Regional Corporation or an area municipality employs a person heretofore employed by the Waterloo Public Utilities Commission, such person shall be deemed to remain an employee of the Waterloo Public Utilities Commission for the purpose of entitlement under the Ontario Municipal Employees Retirement System supplementary plan as established for the Waterloo Public Utilities Commission.

2. Section 56 of the said Act is amended by adding thereto the following subsection:

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate-ly or immediately enter into sewers under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

3. Subsection 1 of section 158 of the said Act is amended by inserting after "sections" in the first and second lines "246", so that the subsection shall read as follows:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 246, 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 159a,
enacted

4. The said Act is amended by adding thereto the following section:

Application
of R.S.O. 1970,
c. 284,
ss. 377, 378,
to area
municipality

159a.—(1) Notwithstanding section 184, the provisions of paragraphs 1 and 6 of section 377 and section 378 of *The Municipal Act* do not apply to any area municipality.

By-laws by
Regional
Council

(2) The Regional Council may pass by-laws applicable to one or more area municipalities:

teamsters,
cab owners
and drivers,
etc.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.

insurance
for
teamsters,
cab owners,
etc.

2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance is not so provided, the Regional Council may refuse, refuse to renew or revoke any licence issued under paragraph 1.

taxi-cab
brokers

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Regional Council may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are

used for hire and that are owned by persons other than himself, his immediate family or his employer.

4. For licensing, regulating and governing salvage ^{salvage} shops, salvage yards, second-hand goods shops ^{shops, etc.} and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

(i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,

(ii) "salvage yard" includes an automobile wrecking yard or premises,

(iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.

(b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.

(c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.

(d) The fee to be paid for the licence shall not exceed \$20 for one year.

(e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence.

s. 169 (5),
amended

5. Subsection 5 of section 169 of the said Act is amended by striking out "system" in the first line and inserting in lieu thereof "service".

s. 175 (1),
re-enacted

6. Subsection 1 of section 175 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

(1) In this Part, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the Regional Council.

s. 178,
amended

7. Section 178 of the said Act is amended by adding thereto the following subsection:

Board of
trustees of
Police Village
of St. Jacobs
to be
Hydro-
Electric Com-
mission

R.S.O. 1970,
c. 390

(8) The board of trustees of the Police Village of St. Jacobs as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Police Village of St. Jacobs Hydro-Electric System to be known as the Hydro-Electric Commission of the Police Village of St. Jacobs, which shall be deemed to be a local board of the area municipality of the Township of Woolwich and all rights and obligations relating to the former system of the Police Village of St. Jacobs become rights and obligations of the Hydro-Electric Commission of the Police Village of St. Jacobs.

Interpre-
tation

8. The Regional Municipality of Waterloo shall be deemed to be the County of Waterloo and the Chairman of The Regional Municipality of Waterloo shall be deemed to be the warden of the County of Waterloo for the purposes of *The Kitchener-Waterloo Hospital Act, 1960*.

1960,
c. 149

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1972*.

CHAPTER 165

**An Act to amend
The Municipal Unconditional Grants Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 8 of *The Municipal Unconditional Grants Act*, ^{s. 8,} being chapter 293 of the Revised Statutes of Ontario, 1970, ^{repealed} is repealed.
- 2.** This Act comes into force on the day it receives Royal ^{Commence-}Assent.^{ment}
- 3.** This Act may be cited as *The Municipal Unconditional* ^{Short title}*Grants Amendment Act, 1972 (No. 2).*

CHAPTER 166

An Act to amend The Public Parks Act

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 2 of section 7 of *The Public Parks Act*, ^{s. 7 (2),} repealed being chapter 384 of the Revised Statutes of Ontario, 1970, is repealed.
- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>
- 3.** This Act may be cited as *The Public Parks Amendment Act*, ^{Short title} 1972.

CHAPTER 167

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104 of the Statutes of Ontario, 1972, is repealed and the following substituted therefor:

- (6) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1972 and the expenses for the elections to elect members of The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board in the year 1972 shall, if approved by the Minister, be paid out of the Consolidated Revenue Fund.

2. Section 6 of the said Act is amended by adding thereto the following subsection:

- (4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

3. Subsection 1 of section 27 of the said Act is amended by inserting after "paragraphs" in the third line "9", so that the subsection shall read as follows:

- (1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 9, 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

4.—(1) Subsection 1 of section 31 of the said Act is amended by inserting after "of" in the third line, the fifth line and the seventh line "sanitary".

s. 31 (2),
amended

(2) Subsection 2 of the said section 31 is amended by inserting after "of" in the third line "sanitary".

s. 31 (3, 7),
re-enacted

(3) Subsections 3 and 7 of the said section 31 are repealed and the following substituted therefor:

Vesting of
property in
Regional
Corporation

(3) All sanitary sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sanitary sewage and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of sanitary sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

.

Imposition
of sewage
rate

(7) The Regional Council may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sanitary sewage is received, a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

s. 33,
amended

5. Section 33 of the said Act is amended by adding thereto the following subsections:

Proviso

(3a) Nothing in subsection 3 affects any official plan in effect in any part of the Regional Area.

By-laws
R.S.O. 1970,
c. 349

(3b) Every by-law passed under the provisions of *The Planning Act* by a local municipality as it exists on the 31st day of December, 1972, shall continue in force until repealed by the Regional Council.

s. 46 (1) (b),
re-enacted

6. Clause *b* of subsection 1 of section 46 of the said Act is repealed and the following substituted therefor:

(b) a judge of a court having jurisdiction in the Provisional Judicial District of Sudbury designated by the Lieutenant Governor in Council.

7. Subsection 1 of section 77 of the said Act is repealed <sup>s. 77 (1),
re-enacted</sup> and the following substituted therefor:

- (1) In this Part, “waste” includes ashes, garbage, refuse, <sup>Interpre-
tation</sup> domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-laws passed by the Regional Council.

8. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

9. This Act may be cited as *The Regional Municipality* ^{Short title} *of Sudbury Amendment Act, 1972.*

CHAPTER 168

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) In every area municipality, election of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter in accordance with *The Municipal Elections Act, 1972*.

s. 4 (1),
re-enacted

Election
of council

1972, c. 95

(2) Subsections 2 and 3 of the said section 4 are repealed.

s. 4 (2, 3),
repealed

(3) Subsection 4 of the said section 4 is repealed and the following substituted therefor:

s. 4 (4),
re-enacted

(4) The members of council and of such local boards shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Term of
office

(4) Subsection 6 of the said section 4 is repealed.

s. 4 (6),
repealed

2.—(1) Subsection 5 of section 5 of the said Act is amended by striking out “two following years” in the fifth line and inserting in lieu thereof “year following”.

s. 5 (5),
amended

(2) Subsection 7 of the said section 5 is repealed and the following substituted therefor:

s. 5 (7),
re-enacted

- Adjournment (7) If at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the year following and until his successor is elected or appointed in accordance with this section.
- s. 118 (4), amended **3.** Subsection 4 of section 118 of the said Act is amended by striking out “three-year” in the second line and inserting in lieu thereof “two-year”.
- s. 149 (5), re-enacted **4.** Subsection 5 of section 149 of the said Act is repealed and the following substituted therefor:
- Effective date (5) Every such by-law, including an amending or repealing by-law, shall take effect at and for the purposes of the biennial election next after its passing.
- s. 183a, enacted **5.** The said Act is amended by adding thereto the following section:
- Indemnifying members of Metropolitan Police Force 1971, c. 49 **183a.**—(1) The Metropolitan Council may, to such extent as it thinks fit, pay the legal costs incurred by a member of the Metropolitan Police Force in respect of an inquiry held by a commission under *The Public Inquiries Act, 1971* or held by a commissioner under *The Public Inquiries Act*, being chapter 379 of the Revised Statutes of Ontario, 1970, where the subject-matter of the inquiry includes in whole or in part the conduct of the member in the performance or purported performance of his duties.
- Application of section (2) This section does not apply in respect of inquiries held into matters occurring before the 25th day of October, 1971.
- Commencement **6.**—(1) This Act, except sections 1 to 4, comes into force on the day it receives Royal Assent.
- Idem (2) Sections 1 to 4 shall be deemed to have come into force on the 31st day of July, 1972.
- Short title **7.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972 (No. 3)*.

CHAPTER 169

An Act to amend The Municipal Act

Assented to December 15th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 121, section 10, is repealed and the following substituted therefor:

36.—(1) The following are not eligible to be elected a member of a council or to hold office as a member of a council:

s. 36,
re-enacted

Persons
disqualified
from being
members of
council

1. Except during a leave of absence granted under subsection 3, an employee of the municipality or of a local board thereof as defined in *The Municipal Affairs Act*, except an employee of a school board. R.S.O. 1970,
c. 118
2. A judge of any court.
3. A member of the Assembly as provided in *The Legislative Assembly Act* or of the Senate or House of Commons of Canada. R.S.O. 1970,
c. 240
4. A Crown employee within the meaning of *The Public Service Act* who is a deputy minister or who is in a position or classification designated in the regulations made under that Act for the purposes of section 11 thereof. R.S.O. 1970,
c. 386
5. A person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario.

- (2) In addition to the persons that are not eligible to be elected a member of a council or to hold office as Idem

a member of a council under paragraph 1 of subsection 1, and except during a leave of absence granted under subsection 3, an employee of a metropolitan, regional or district municipality or of any area municipality within that metropolitan, regional or district municipality is not eligible to be elected a member of the council of any area municipality within that metropolitan, regional or district municipality or to be elected a member of the council of that metropolitan, regional or district municipality or to hold office as a member of any such council.

Leave of
absence

- (3) Any employee of a municipality or a local board who proposes to be a candidate to hold office as a member of a council shall apply to the council of the municipality or to the local board, as the case may be, of which he is an employee for leave of absence without pay for a period,

1972, c. 95

- (a) not longer than that commencing thirty days before the beginning of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day; and

- (b) not shorter than that commencing on the last day of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day,

and every such application shall be granted.

Resignation

- (4) Where an employee of a municipality or of a local board who is a candidate for office as a member of a council is elected he shall forthwith resign his position as such employee.

Service
deemed
continuous

- (5) Where an employee of a municipality or of a local board has been granted leave of absence under subsection 3 and was not elected, the period of leave of absence shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes.

Application
of R.S.O. 1970,
c. 284, s. 36

2. Where any person is elected to a council at a regular election held in the year 1972, and section 36 of *The Municipal Act* as it existed on the day of such election did not render such person ineligible to be elected to the council, or to hold office as a member of such council, then section 36 of *The Municipal Act*, as re-enacted by section 1 of this Act, does not

apply so as to render such person ineligible to hold office as a member of such council during the term of office for which he was elected by reason only of the fact that had section 36, as re-enacted, been in force on the day of his election such person would have been ineligible to be elected a member of the council or to hold office as a member of such council.

3. Section 37 of the said Act is repealed.

s. 37,
repealed

4. Subsection 1 of section 184 of the said Act is amended by striking out “an annual or biennial election, as the case may be” in the second line and inserting in lieu thereof “a regular election”.

s. 184 (1),
amended

5. Section 199 of the said Act is repealed.

s. 199,
repealed

6. Section 200 of the said Act is amended by striking out “Sections 198 and 199 do” in the first line and inserting in lieu thereof “Section 198 does”.

s. 200,
amended

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

8. This Act may be cited as *The Municipal Amendment Act, 1972 (No. 3)*.

Short title

CHAPTER 170

An Act to amend The Jurors Act

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

- 98.—(1) Every list of local selectors and every jurors roll and jury list for the selection of jurors for the year 1973 is valid notwithstanding,
- s. 98,
enacted
- Confirmation
of jurors
rolls, etc.
- (a) that it is or was prepared without regard to the ages or occupations of persons listed thereon;
 - (b) that the occupations of any persons listed thereon are not shown thereon;
 - (c) that the occupations that are shown are obtained from sources other than the polling lists or assessment rolls or are added by the county selectors or the sheriff; or
 - (d) that the times for the preparation, depositing and filing thereof have not been complied with.
- (2) Notwithstanding that a panel of jurors drafted from a jury list prepared for the year 1973 does not show the occupations of all persons whose names appear thereon, the panel is valid and the sheriff shall, as soon as practicable, insert the occupations not shown based on information obtained from any source that he considers reliable or otherwise inform the litigants or accused persons or their solicitors of such occupations.
- Where
occupation
not shown
on panel

Use of 1972
jury lists
for panels
for 1973

(3) For the purpose of returning a panel of jurors for sittings of the courts in the year 1973,

(a) the sheriff may return a panel of jurors drafted from the names in the proper jury list in the jurors book for the year 1972; and

(b) where there is not a sufficient number of names upon the proper jury list for the year 1972, the sheriff shall select so many additional persons who are qualified to serve as jurors in the year 1973 as are required from the names not marked as transferred to a jury list in any of the jurors rolls for the year 1972 or in any of the jurors rolls in the jurors book in any preceding year for which there is a jurors book or a certified copy thereof in existence.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Jurors Amendment Act, 1972 (No. 2)*.

CHAPTER 171

An Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario Wine

Assented to December 15th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any provision of *The Liquor Control Act* or *The Liquor Licence Act* and the regulations made thereunder, and subject to the approval of the Lieutenant Governor in Council, the Liquor Control Board may make regulations,

Regulations
for use of
non-Ontario
grapes
R.S.O. 1970,
cc. 249, 250

- (a) fixing for each winery licensed under *The Liquor Control Act* a quota of grapes, or the equivalent thereof in concentrates, grown out of Ontario, that may be used by the winery in the manufacture of wine for the purposes set out in section 2;
- (b) prescribing the terms and conditions under which the quotas mentioned in clause *a* may be used and providing for their cancellation or reduction by the Board;
- (c) prescribing the proportions in which grapes, or the concentrates thereof, grown out of Ontario, may be used in the manufacture of wine with grapes, or the concentrates thereof, grown in Ontario.

(2) A winery shall not, after the 1st day of September, 1973, introduce into the manufacture of wine any part of the quota of grapes or concentrates thereof fixed under clause *a* of subsection 1.

Time limit
use in
manufacture

2.—(1) Notwithstanding any provision of *The Liquor Control Act* or *The Liquor Licence Act* and the regulations made thereunder, and subject to the approval of the Liquor Control Board, any winery licensed under *The Liquor Control Act* may,

Sale of
wine

R.S.O. 1970,
c. 249

- (a) keep for sale and sell to the Liquor Control Board;
- (b) deliver, on the order of the Liquor Control Board or of a manager of a Government store as defined in *The Liquor Control Act*, to any person named in the order at the address therein stated; and
- (c) keep for sale and sell under the supervision and control of the Liquor Control Board,

wine manufactured in accordance with this Act and the regulations by the combination of grapes grown in Ontario, or the concentrates thereof, with grapes, or the concentrates thereof grown out of Ontario.

Offence

(2) Any contravention of subsection 1 shall be deemed to be a contravention of section 60 of *The Liquor Control Act*.

Application
of R.S.O. 1970,
cc. 249, 250

3. Nothing in this Act shall be construed so as to limit the application of *The Liquor Control Act* and *The Liquor Licence Act* and the regulations thereunder except as specifically provided herein.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Wine Content Act, 1972*.

CHAPTER 172

**An Act to amend
The Credit Unions Act**

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 2 of section 4 of *The Credit Unions Act*, being chapter 96 of the Revised Statutes of Ontario, 1970, is amended by striking out "other than the guarantee fund" in the third and fourth lines. s. 4 (2) (c), amended

2. Section 30 of the said Act is repealed and the following s. 30, re-enacted substituted therefor:

30.—(1) Every credit union in computing its annual profits shall make full provision for, Provision for losses and accrued interest

(a) all doubtful loans, other doubtful receivables and losses on investments; and

(b) all interest accruing on deposits.

(2) A credit union may by resolution establish a reserve fund or funds and may transfer to such fund or funds out of earnings from time to time such amounts as the Board of Directors may by resolution direct provided that such resolution shall not become effective until it has been confirmed by a vote of two-thirds of the members present or represented at a meeting duly called for considering it. Establishment of reserve fund

(3) A credit union shall apply its guarantee fund required by section 30 of *The Credit Unions Act*, as it existed before the 31st day of December, 1972, to ensure provision is made as required by clause *a* of subsection 1 and the surplus then remaining in the guarantee fund shall be held as a reserve fund. Use of guarantee fund

Use of
reserve
fund

- (4) The disposition of any amounts held in a reserve fund established under subsection 3 is subject to the written consent of the Director.

Funding of
provision
for losses

- (5) Where the balance standing to the credit of the guarantee fund on the 30th day of December, 1972 is insufficient to provide the full amount required to be provided for under clause *a* of subsection 1, the credit union may either fund the deficiency over a period not exceeding three years in annual amounts approved by the Director or charge the deficiency against the balance standing to the credit of undivided earnings at that date.

Regulations

- (6) The Lieutenant Governor in Council may make regulations prescribing the minimum amounts that may be considered as making adequate allowance for the provision referred to in clause *a* of subsection 1.

s. 31,
amended

3. Section 31 of the said Act is amended by striking out “and the credit union shall set aside a reserve fund, adjusted annually, in the amount of the interest accruing on such deposits” in the third, fourth and fifth lines.

Commence-
ment

4. This Act comes into force on the 31st day of December, 1972.

Short title

5. This Act may be cited as *The Credit Unions Amendment Act, 1972*.

CHAPTER 173

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1973

*Assented to December 15th, 1972
Session Prorogued December 15th, 1972*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable ^{Preamble} William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1973; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$6,125,217,500 granted by *The Supply Act, 1972*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$205,574,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1972, to the 31st day of March, 1973, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based. <sup>\$205,574,500 granted for fiscal year 1972-73
1972, c. 130</sup>

(2) Where, in the fiscal year ending the 31st day of March, ^{Exception} 1973, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by

certificate of the Management Board of Cabinet to the Ministry administered by the Minister to whom the powers and duties are so assigned and transferred.

- Accounting
for
expenditure
2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.
- Commence-
ment
3. This Act comes into force on the day it receives Royal Assent.
- Short title
4. This Act may be cited as *The Supply Act, 1972 (No. 2)*.

SCHEDULE

Ministry of Agriculture and Food	\$ 10,000,000
Ministry of Colleges and Universities	2,735,000
Ministry of Community and Social Services	2,750,000
Ministry of Correctional Services	1,832,000
Ministry of Education	4,100,000
Ministry of the Environment	18,500,000
Ministry of Government Services	10,102,000
Ministry of Health	66,000,000
Ministry of Natural Resources	10,882,000
Ministry of Revenue	47,979,500
Ministry of Transportation and Communications	5,694,000
Ministry of Treasury, Economics and	
Intergovernmental Affairs	25,000,000
	<hr/>
	\$ 205,574,500
	<hr/>

PART II
PRIVATE ACTS

Chapters 174 to 204

CHAPTER 174

An Act respecting the Town of Aurora

*Assented to June 23rd, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the Town of Aurora hereby ^{Preamble} applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, the council of The Corporation of the Town of Aurora may by by-law authorize and direct the treasurer of the Corporation to allow a credit equivalent to that portion of the real property taxes imposed by the Corporation for school purposes on payment by any person of the remaining portion of the taxes imposed in respect of any residential real property owned and occupied by such person, or owned by such person and occupied by his or her spouse or by both as his, her or their personal residence, where such person, or the spouse of such person, or both, has attained the age of seventy years and is receiving benefits under the *Old Age Security Act* (Canada) provided however, ^{R.S.C. 1970, c. 0-6} that no such credit,

- (a) shall exceed the sum of \$100 in any year;
- (b) shall be allowed to any person or to the spouse of such person in respect of more residential real property than one single family dwelling unit in any year;
- (c) shall be allowed to any person who has not made application therefor on or before the last day of June in the year 1972 and the last day of February in each succeeding year in which the taxes in respect of which such application is made become due and payable;

- (d) shall be allowed to any person unless such person, or the spouse of such person, or both, has been continuously assessed as the owner and occupant of residential real property in the Town of Aurora for at least ten years immediately preceding the date of the application; or
- (e) shall be allowed to any person until such person and his or her spouse, if any, have passed whatever means test may be provided for in the said by-law.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Town of Aurora Act, 1972*.

CHAPTER 175

An Act respecting the City of Brantford

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Brantford, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The council of the Corporation may by by-law, By-laws
authorizing
agreements
for relief
from
requirements
to provide
parking
authorize agreements with owners or occupants of buildings or
structures to be erected or used, providing for relief to the
extent set out in the agreements from any provision in any
other by-law of the Corporation requiring the provision or
maintenance of parking facilities on land that is not part of a
highway, and exempting such owners or occupants to the
extent specified in the agreements from the necessity of
providing or maintaining such facilities.

(2) Every agreement referred to in subsection 1 is subject Agreements
approved by
Ontario
Municipal
Board
to the approval of the Ontario Municipal Board, given either
before or after the execution thereof, and shall provide for
the payment to the Corporation of a sum of money therein
set out, either in a lump sum or by instalments, together with
interest at a rate therein specified, and shall set forth the
basis upon which the payment is computed.

(3) All moneys paid or to be paid pursuant to an agreement Payments
under
agreements
held as fund
for purpose
of parking
facilities
referred to in subsection 1 shall be paid into a special account
and may be invested in such securities as a trustee may invest
in under *The Trustee Act*, and the earnings derived from the
investment of such moneys shall be paid into such special
account, and the moneys in such special account shall be R.S.O. 1970,
cc. 470, 284
expended for the same purposes, and in the same manner, as a
reserve fund provided for in paragraph 72 of section 352 of
The Municipal Act.

Audit of
fund

(4) The city auditor in his annual report shall report on the activities and position of any special account established under this section.

Registration
of agreement
imposes lien
on land

(5) Any such agreement containing a description of the lands affected sufficient for registration, may be registered in the proper registry office or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein, and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement, or upon termination of the agreement, there shall be registered in the proper registry office or land titles office against such lands, a certificate of the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970,
c. 284

Lands
vested in
Corporation

2. The lands described in the Schedule hereto are hereby vested in the Corporation, freed from all trusts, limitations, conditions, restrictions, covenants or other encumbrances affecting the lands.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Brantford Act, 1972*.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brantford, in the County of Brant, and being composed of a part of the West Market Square in the said City, containing by admeasurement 1.56 acres more or less, and premising the bearing of Colborne Street fronting the said West Market Square to be North 84 degrees 30 minutes East and relating all bearings herein thereto, the said parcel may be more particularly described as follows:

COMMENCING at a point at the Southeast angle of the said West Market Square;

THENCE South 84 degrees 30 minutes West, 256.96 feet to a line drawn parallel to and perpendicularly distant 8 feet Easterly from the Western limit of the said West Market Square;

THENCE North 5 degrees 53 minutes West, parallel to the Western limit of the said West Market Square, 264.23 feet to the Northern limit of the said West Market Square;

THENCE North 84 degrees 30 minutes East, 256.67 feet to the Eastern limit of the said West Market Square;

THENCE South 5 degrees 56 minutes East along said Eastern limit, 264.28 feet more or less to the point of commencement.

CHAPTER 176

An Act respecting Esbeco Limited

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS J. F. Hunter Investments Limited and Canada Trust Company hereby represent that Esbeco Limited, herein called the Corporation, was incorporated by letters patent dated the 1st day of October, 1951, and received supplementary letters patent dated the 7th day of December, 1962; that the Corporation was voluntarily dissolved and received a certificate of dissolution under section 249 of *The Business Corporations Act*, which dissolution was effective on the 1st day of October, 1971; that at the time of the said dissolution all of the issued shares, except two common shares held by directors, were owned either by J. F. Hunter Investments Limited or the Canada Trust Company, as Executor of the Estate of J. F. Hunter, deceased; that subsequent to the said dissolution the said J. F. Hunter Investments Limited and the said Canada Trust Company were advised that the dissolution and distribution of the Corporation's assets would result in a severe Federal tax liability; that the applicants are anxious to revive the Corporation in order that its assets may be distributed in an orderly manner over a number of years and thus the shareholders incur a more reasonable Federal tax liability; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Esbeco Limited, incorporated by letters patent dated the 1st day of October, 1951, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date fixed in the said certificate of dissolution, and declared to be a subsisting corporation since its incorporation in the same manner and to the same extent as if it had not been dissolved.

Esbeco
Limited
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Esbeco Limited Act, 1972*.

CHAPTER 177

**An Act respecting
The Greater Niagara General Hospital**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Greater Niagara General Hospital hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Greater Niagara General Hospital Act*, ^{s. 3,} 1951, being chapter 102, as re-enacted by the Statutes of Ontario, 1966, chapter 169, section 1, is repealed and the following substituted therefor:

3. The persons constituting the corporation shall be the ^{Constitution of corporation} following: three representatives from the municipal council of the City of Niagara Falls, and one representative from the Regional Council of The Regional Municipality of Niagara, such municipal representatives to be members of their respective councils; one representative of the Province of Ontario; three representatives of the Medical Staff of The Greater Niagara General Hospital; one representative of the Senior Women's Hospital Auxiliary; one representative of the Junior Women's Hospital Auxiliary; twelve members elected by The Greater Niagara General Hospital Association; three members appointed by those members already selected as provided by this section; the chief executive officer who may be appointed by resolution at the discretion of the board.

2. Section 9 of the said Act is repealed and the following ^{s. 9,} substituted therefor: re-enacted

9.—(1) The board shall elect annually, and at its first ^{Officers} meeting in each year, one of its number to be chairman, who shall hold office for one year and until his successor is elected, and may, from time to time, appoint one

of its number to be vice-chairman, who shall, in the absence of the chairman, or in case his office is vacant, act in his place, and may also appoint one of its number to be secretary-treasurer.

Chief
executive
officer

- (2) The board may, from time to time, appoint a full-time chief executive officer of the corporation who may be appointed by resolution of the board as a member of the board with all the rights and responsibilities of a board member and who shall hold office at the pleasure of the board, but who in no case shall be chairman or vice-chairman of the board.

s. 10,
re-enacted

3. Section 10 of the said Act is repealed and the following substituted therefor:

Remunera-
tion

10. No member of the board shall receive any remuneration for his services as such member, except for actual disbursements incurred in the affairs of the corporation and approved by the board.

s. 13,
amended

4. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1966, chapter 169, section 4, is amended by striking out "sanatoria" in the third line and by striking out "and the Village of Chippawa" in the sixth and seventh lines, so that the section shall read as follows:

Purposes of
corporation

13. The purposes of the corporation, so far as it may be possible, shall be to carry on the said hospital and all other hospitals or other similar institutions that it may establish, undertake or carry on in perpetuity for the benefit and advantage of the inhabitants of the City of Niagara Falls.

s. 16,
re-enacted

5. Section 16 of the said Act is repealed and the following substituted therefor:

Borrowing
power

16. The board may, by by-law passed by a majority vote of the members of the full board at a meeting duly called for that purpose, borrow money from time to time for the purposes of the corporation, such sums as may, in their opinion, be required for such purposes and may, subject to *The Public Hospitals Act*, charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the corporation to secure any money so borrowed or any debt or liability of the corporation, and may execute mortgages or any other form of security for such moneys as may be borrowed or owing.

R.S.O. 1970,
c. 378

6. Section 19 of the said Act is repealed and the following substituted therefor: s. 19, re-enacted

19. The chief executive officer shall administer the affairs of the hospital and the chief executive officer and such other of its officers to whom the board may from time to time delegate the power, may, subject to the approval of the board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the hospital or other institutions, and of all visitors thereto, and for the internal conduct and management thereof. Authority of chief executive officer, etc.

7. Section 21 of the said Act is repealed and the following substituted therefor: s. 21, re-enacted

21. Without limiting the general powers hereinbefore conferred, but subject to *The Nurses Act*, the corporation may affiliate with any established training school for nurses for the training of any nurses in the employ of the board and the board may erect, equip and maintain residences for nurses, resident physicians and surgeons of the corporation or other institutions of the corporation, and also all other buildings which may be requisite, upon such sites as the board may deem proper. Affiliation with training schools and erection of residences R.S.O. 1970, c. 301

8. Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted

22. Subject to *The Nurses Act*, the board may establish and maintain in connection with the hospital, a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required. Establishment of training school for nurses

9. Section 23 of the said Act is amended by inserting after "Act" in the first line "and to *The Hospital Services Commission Act*", so that the section shall read as follows: s. 23, amended

23. Subject to *The Public Hospitals Act* and to *The Hospital Services Commission Act*, the board may admit patients at such rates as may from time to time be prescribed by the board and in respect of all patients the board may by by-law or resolution make such regulations and impose such restrictions as to the board may seem proper. Admission of patients, rates, etc., R.S.O. 1970, cc. 378, 209

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Greater Niagara General Hospital Act, 1972*.

CHAPTER 178

**An Act respecting
the City of Hamilton***Assented to May 4th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Hamilton ^{Preamble} deems it expedient to establish a corporation to maintain, operate and manage the Theatre-Auditorium in the public interest; and whereas it is in the public interest to implement the objects of the Theatre-Auditorium Corporation; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpretation

- (a) “board” means the board of directors of the corporation;
- (b) “chairman” means the director who is the chairman of the board;
- (c) “City” means The Corporation of the City of Hamilton;
- (d) “corporation” means The Hamilton Performing Arts Corporation, Inc.;
- (e) “council” means the council of the City;
- (f) “director” means a person appointed to the board as a member thereof;
- (g) “general manager” means the manager of the Theatre-Auditorium;

- (h) "Theatre-Auditorium" includes the enterprise, structure and land located in the "Lloyd D. Jackson Square" and any other facilities within the City that may be available to or used from time to time by the corporation and maintained, operated and managed as a going concern for the objects set forth in this Act.

CORPORATION ESTABLISHED

Corporation
established

2.—(1) There is hereby constituted a corporation without share capital under the name of "The Hamilton Performing Arts Corporation, Inc.".

Seal

(2) The corporation shall have a corporate seal.

Headquarters

(3) The headquarters of the corporation shall be at the City of Hamilton.

Board of
directors

3. The board shall be comprised of seven members, of whom,

(a) two directors shall be members of the council; and

(b) five directors shall not be members of the council.

OBJECTS OF THE CORPORATION

Objects

4. The objects of the corporation are,

(a) to maintain, operate and manage the Theatre-Auditorium in the public interest;

(b) to provide theatrical facilities and services of every kind within the City of Hamilton for,

(i) amusement, entertainment and exhibition,

(ii) receptions, meetings and displays,

(iii) educational and cultural activities, and

(iv) the performing arts, including dramatic, theatrical, musical and artistic works;

(c) to promote the development of its facilities as a centre for amusement, entertainment and exhibition;

(d) to promote or present meetings, receptions or displays;

(e) to promote or present educational and cultural activities; and

- (f) to promote, produce or present the performing arts, including theatrical, dramatic, musical and artistic works.

COUNCIL

5.—(1) The council shall appoint the directors by by-law. ^{Directors}

(2) The directors who are members of council shall be ^{Idem} appointed for a term of office of two years.

(3) The directors who are not members of council shall be ^{Idem} appointed for terms of office as follows :

1. Two first directors shall be appointed for a term of two years.
2. Three first directors shall be appointed for a term of three years.
3. Directors appointed after the first directors shall be appointed for a term of three years.

(4) Council may at any time terminate the term of office ^{Termination} of any director by by-law passed by a vote of at least two-thirds of the members thereof.

(5) Council shall appoint a director as soon as possible to ^{Vacancy} hold office for the remainder of the term for which his predecessor was appointed where a vacancy occurs in the council for any cause.

(6) Council may re-appoint a director upon the expiration <sup>Re-
appointment</sup> of his term of office.

6.—(1) The council may entrust to the corporation the ^{Management} maintenance, operation and management of the real property or any part thereof owned by the City comprised in the Hamilton Theatre-Auditorium.

(2) The annual budget or any part thereof of the corporation ^{Budget} shall be subject to the approval of the Board of Control and council.

(3) The council may require the corporation to report on any ^{Reports} matter relating to the carrying out of the purposes of this Act for consideration by council.

CHAIRMAN AND VICE-CHAIRMAN

7.—(1) The directors shall elect annually a chairman and <sup>Chairman
and vice-
chairman</sup> vice-chairman from amongst themselves.

Powers of vice-chairman (2) The vice-chairman shall act in place and stead of the chairman when the chairman is absent.

Re-election (3) The chairman is eligible for re-election during any subsequent term as director.

DIRECTORS

Quorum **8.**—(1) A majority of directors constitutes a quorum.

Votes (2) Each director shall have only one vote.

Vacancy **9.** When there is a vacancy or vacancies on the board, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office and until appointment is made to fill the vacancy or vacancies.

Compensation **10.** The directors may serve without compensation or with compensation in such amount as the council may determine.

Meetings **11.**—(1) Unless varied by by-law of the board, meetings of the board shall be held at least six times each year.

Notice (2) A meeting shall be called upon service of a written notice of meeting upon each director not later than two days preceding the date and time fixed for the meeting specifying the purpose of the meeting.

Record **12.**—(1) A record of all meetings shall be kept in a book kept for that purpose.

Minutes (2) All minutes, orders, directions and proceedings shall be entered into the book.

Idem (3) All such minutes shall be signed by the chairman of the meeting, or in his absence by the vice-chairman, at which the proceedings were held and by the secretary of the corporation.

THE BOARD

Secretary **13.**—(1) The board may appoint a secretary to the corporation.

Duties (2) The duties of the secretary shall be to,

(a) call such meetings as may be required under this Act ;

(b) keep all minutes of meetings and proceedings of the board ;

- (c) submit to the board at each of its meetings the minutes of the next preceding meeting of the board; and
- (d) perform such duties as the board may from time to time direct.

14.—(1) The corporation may appoint, hire, or otherwise ^{Staff} engage officers, servants, employees, agents, performers or others as it requires to perform its duties and exercise its powers for the proper conduct of its business conducive to the objects of the corporation.

(2) The corporation may determine the qualifications, ^{Qualifications} responsibilities, duties, positions, remuneration, terms and conditions of employment or service of persons hired including performers and other persons conducive to the objects of the corporation.

(3) The corporation may incur within the limits of the ^{Expenditure of moneys} approved budget, expenses and pay salaries, fees and any other sums of money required by the board for the carrying out of its duties and affairs and the exercise of powers under this Act, including all expenses necessarily incurred in connection therewith.

GENERAL MANAGER

15.—(1) The general manager is the executive officer of the ^{General manager} corporation and a member thereof but is not a director.

(2) The board may appoint to the general manager the ^{Powers} exercise of such power and authority as it may determine for the proper conduct of the business conducive to the objects of the corporation.

16.—(1) In addition to the powers vested in and duties ^{Additional powers of corporation} upon corporations by section 26 of *The Interpretation Act* and ^{R.S.O. 1970, c. 225} by this Act, the corporation has the following powers:

1. To carry on in the Theatre-Auditorium all or any of the operations of a theatre, music hall, concert hall, ballroom and cinema and catering for public and private amusements and entertainments of every description.
2. To present, produce, manage, conduct and represent plays, dramas, comedies, operas, revues, promenade and other concerts, musical and other pieces, ballets, shows, exhibitions, variety and other entertainment.

3. To establish educational facilities and provide instruction in all areas of the performing arts.

R.S.O. 1970,
c. 250

4. Subject to *The Liquor Licence Act* and the regulations made thereunder, to carry on in the Theatre-Auditorium for the convenience of customers and patrons the business of soft drinks, alcoholic drinks, tobacco, cigar and cigarette merchants and retailers, confectioners and restaurant and refreshment room keepers or proprietors, or any of such operations.

5. To carry on any other operations which may seem to the board capable of being conveniently carried on in connection with its operation or calculated directly or indirectly to enhance the value of or render profitable any of the board's operations.

Idem

(2) In addition to the powers vested in the corporation under subsection 1, the corporation has the following powers:

1. To enact by-laws and pass resolutions for the better operation, government and control of its affairs and undertakings.

2. To enter into agreements, leases, licences or any other formal or informal arrangements for the purposes of this Act.

3. To accept, receive, take, hold or enjoy by grant, conveyance, gift, voluntary donation, devise or bequest, any real or personal property upon terms, if any, expressed or implied, including the investment of any moneys for the purposes of the corporation or conducive to the attainment of the objects and the exercise of the powers of the corporation.

4. To sell, lease, convey or otherwise dispose of or convert into money, real or personal property referred to in paragraph 3.

5. To fix, from time to time, fees, admissions, rates, rentals and any other charges for the use of the Theatre-Auditorium or any other facilities provided.

6. To collect and receive all moneys becoming due in consequence of the maintenance, management and operation of the Theatre-Auditorium.

7. To carry out all or any of the objects of the corporation and to do all or any of the above things as principals, agents, contractors or otherwise.

8. To do all such other things as are incidental or conducive to the attainment of the objects and exercise of the powers of the corporation.

(3) The corporation may exercise any of its powers by resolution of the board except where some other mode of exercising any power is prescribed by this Act. ^{Exercise of powers}

17.—(1) The corporation may acquire personal property necessary for its purpose and may sell or otherwise dispose of any personal property acquired by it. ^{Personal property}

(2) Subject to the approval of the council, the corporation may purchase real property necessary for its purpose and sell, lease or otherwise dispose of any real property acquired by it. ^{Real property}

BOOKS, RECORDS, ESTIMATES

18.—(1) The corporation shall keep or cause to be kept proper books of account and accounting records with respect to all financial and other transactions of the corporation including, without limiting the generality of the foregoing, ^{Records}

(a) records of all such sums of money received from any source whatsoever and disbursed in any manner whatsoever; and

(b) records of all matters with respect to which receipt and disbursements take place in consequence of the maintenance, operation and management of the Theatre-Auditorium.

(2) The corporation shall keep or cause to be kept and maintained all such books of accounts and accounting records as the City Treasurer may require. ^{Idem}

(3) The accounts and transactions of the corporation shall be audited by the auditor of the City. ^{Audit}

19.—(1) The corporation shall prepare or cause to be prepared annually at the commencement of each calendar year a detailed budget of estimated revenue and expenditure, as the City Treasurer may require. ^{Budget}

(2) The corporation shall submit the estimates to council not later than the 14th day of January in each year. ^{Estimates}

(3) The corporation shall cause to be prepared and audited an annual report. ^{Annual report}

Idem

(4) The corporation shall submit the annual report to council not later than the 31st day of March in each year.

Fiscal
period

(5) The fiscal period of the corporation shall be the same as the fiscal period of the City.

OTHER DUTIES OF THE CORPORATION

Approval
of council

20. No budget of estimated revenues and expenditures shall be adopted and implemented by the corporation for any fiscal period unless prior approval is received from council.

LOCAL BOARD

Corporation
deemed not
local board
R.S.O. 1970,
c. 324

21. The corporation shall be deemed not to be a local board of the City except for the purposes of *The Ontario Municipal Employees Retirement System Act*.

CLAIMS AGAINST THE CORPORATION

Claims

22. All claims, accounts, demands, suits-at-law or causes of action arising from or relating to the objects of the corporation or from the exercise of any of the powers of the corporation shall be made upon and brought against the corporation and not upon or against,

(a) the City, any member of council, or any officer or servant of the City; or

(b) any director.

Dissolution

23. Upon dissolution or winding up of the corporation, the assets shall vest in the City free and clear of all claims, charges, liens or encumbrances of any kind.

Commence-
ment

24. This Act comes into force on the day it receives Royal Assent.

Short title

25. This Act may be cited as *The City of Hamilton Act, 1972*.

CHAPTER 179

An Act respecting the City of Hamilton

Assented to May 16th, 1972
Session Prorogued December 15th, 1972

WHEREAS The Corporation of the City of Hamilton ^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The City of Hamilton Act, 1966*, being^{s. 2,} chapter 171, as amended by the Statutes of Ontario, 1967,^{amended} chapter 115, section 1 and the Statutes of Ontario, 1968, chapter 152, section 1, is further amended by adding thereto the following subsection:

- (1b) Where the spouse of a deceased person to whom a ^{Continuation of tax credit to surviving spouse} credit was allowed under subsection 1,
- (a) has attained the age of sixty-five years at the time of the decease; and
 - (b) would otherwise have been eligible for a credit under subsection 1 if that surviving spouse had attained the age of seventy years and was in receipt of a governmental benefit under the *Old Age Security Act* (Canada); and ^{R.S.C. 1970, c. O-6}
 - (c) is upon the decease, the owner and occupant of the residence which was the personal residence of the surviving spouse and the deceased,

the council of The Corporation of the City of Hamilton may by by-law authorize and direct that the credit shall be allowed to the surviving spouse.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The City of Hamilton Act, 1972* ^{Short title} (No. 2).

CHAPTER 180

An Act respecting The City of Kitchener

*Assented to April 27th, 1972**Session Prorogued December 15th, 1972*

WHEREAS the Parks and Recreation Commission of the City of Kitchener was formed pursuant to *The City of Kitchener Act, 1965*, and the Kitchener Memorial Auditorium Board of Management was established by By-law 3280 of the City of Kitchener passed pursuant to *The Community Centres Act*; and whereas the council of The Corporation of the City of Kitchener deems it in the best interest of the citizens that the functions of the Parks and Recreation Commission of the City of Kitchener and the Kitchener Memorial Auditorium Board of Management be placed under the control of the council of the City of Kitchener and applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble
1965, c.155

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding *The City of Kitchener Act, 1965*, the council of The Corporation of the City of Kitchener, may by a by-law passed without the assent of the electors dissolve the Kitchener Parks and Recreation Commission and the Kitchener Memorial Auditorium Board of Management.

By-law to
dissolve
Commission
and Board

(2) The by-law shall come into force on a day to be named therein.

Effective
date

(3) Upon the by-law coming into force,

When by-law
in force

- (a) all assets or liabilities of such board and commission shall be assets and liabilities of The Corporation of the City of Kitchener, without compensation;
- (b) the employees of the board and commission become employees of The Corporation of the City of Kitchener and all terms and conditions affecting seniority, remuneration and other benefits in force with respect to such employees shall be assumed by The Corporation of the City of Kitchener;

assets vested
in Cityemployees of
Board and
Commission
become
employees
of City

council
deemed
committee,
etc.

R.S.O. 1970,
cc. 111, 73, 384

- (c) The council of The Corporation of the City of Kitchener shall be deemed to be a recreation committee under *The Department of Education Act* and regulations thereunder, a board of a community centre under *The Community Centres Act* and a board of park management under *The Public Parks Act*.

1965 Act,
repealed

2. *The City of Kitchener Act, 1965*, being chapter 155, is repealed.

Commence-
ment

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1973.

Short title

4. This Act may be cited as *The City of Kitchener Act, 1972*.

CHAPTER 181

An Act respecting the City of London

Assented to April 27th, 1972
Session Prorogued December 15th, 1972

WHEREAS The Corporation of the City of London, herein^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The City of London*^{s. 2 (1), amended} *Act, 1951*, being chapter 107 is amended by adding at the end thereof “save and except as provided in subsection 6”, so that the subsection shall read as follows:

- (1) The Council may establish by by-law a Commission^{Commission} under the name of The London Transportation Commission. The Commission shall be a body corporate and shall be composed of three commissioners. The provisions for qualification and disqualification of an elected member of the council of a local municipality, as provided by *The Municipal Act*, shall apply *mutatis mutandis* to the qualification and disqualification of a person to be appointed or appointed to the office of commissioner, save and except as provided in subsection 6.

(2) Subsection 6 of the said section 2 is repealed and the^{s. 2 (6), re-enacted} following substituted therefor:

- (6) Notwithstanding clause *g* of subsection 1 of section 36^{Appointment of member of Council to Commission R.S.O. 1970, c. 284} of *The Municipal Act*, the Council may appoint one of its members to be a member of the Commission.

- (6a) Notwithstanding subsection 3, such member of^{Term of office} Council, if appointed, shall be appointed for a term of one or two years, as the Council may deem expedient.

Transfer of
Endowment
Fund

1960,
c. 153

2. Notwithstanding section 4 of *The City of London Act, 1934* and section 9 of *The City of London Act, 1960*, the council of the Corporation may by by-law transfer to the Victoria Hospital Board of Trustees and the Treasurer for the time being of the Board, the funds of the Victoria Hospital Endowment Fund and the War Memorial Children's Hospital Endowment Fund and assign and transfer to the Victoria Hospital Board of Trustees the control and administration of the said Funds and accrued interest thereon, and to provide that the said Board shall control and administer the said Funds in accordance with and subject to the same provisions and conditions to which the Corporation was subject under sections 5 and 6 and section 7, as re-enacted by the Statutes of Ontario, 1948, chapter 114, section 3 of *The City of London Act, 1934*.

1934, c. 82

s. 2,
amended

3. Section 2 of *The City of London Act, 1960*, being chapter 153, as amended by the Statutes of Ontario, 1967, chapter 118, section 3, is further amended by adding thereto the following subsection:

Increased
retirement
allowances

(6) Notwithstanding any provision herein contained, the Corporation is authorized and empowered to pass by-laws to provide for retired employees who retired prior to the 1st day of January, 1965, an increase in their retirement allowances of an amount equal to 2 per cent of their present past service retirement allowances per annum for each year of retirement since the 1st day of January, 1960.

Agreement
ratified

4. The Agreement between the Corporation and Covent Garden Building Incorporated dated the 21st day of December, 1971, set forth as the Schedule hereto, is ratified and confirmed except for the provisions conferring tax exemption and the parties thereto are authorized and empowered to carry out the terms thereof.

Designation
of buildings
of historical
value

5.—(1) The council of the Corporation may, with the prior approval of the Ontario Municipal Board, by by-law, designate buildings or structures and the lands associated therewith, as buildings or structures of historical value or interest and the said by-law or by-laws may prohibit the demolition, destruction or alteration of any building or structure so designated, or prohibit or regulate the alteration or renovation thereof.

Acquisition
of
buildings

(2) The council of the Corporation may provide by by-law for the acquisition by purchase, lease or otherwise of any building or structure so designated.

(3) The council of the Corporation may, by by-law, provide Grants for the making of grants to assist in the renovation, restoration or maintenance of any building or structure so designated.

(4) Where a by-law prohibits the demolition, destruction, alteration or renovation of a building or structure so designated, the Corporation shall, within ninety days of the approval of the by-law, By-law to be null and void if no agreement re acquisition, etc., of building or structure

(a) enter into an agreement to acquire the property;

(b) enter into an agreement for the payment of compensation to the owner of the building or structure; or

(c) expropriate the building or structure,

failing which, the by-law so designating a building or structure shall, for all purposes, following the expiration of the said ninety day period, be null and void and of no further force or effect.

(5) A by-law passed under the provisions of this section shall be registered by the clerk of the Corporation against the affected lands in the proper registry or land titles office within ten days after the approval thereof. Registration of by-law

(6) The clerk shall give similar notice by registration of the repeal of any such by-law or of the expiration of the ninety day period where action in accordance with the provisions of this section has not been effected within the time limited. Idem

(7) The council of the Corporation may, by by-law, establish an Advisory Committee which shall be responsible to the council of the Corporation for recommending sites of historical interest and having such responsibility for the preparation of reports and recommendations for consideration by the council, as the council may by by-law provide. Advisory Committee

(8) Where a by-law approved under subsection 1 is repealed or becomes null and void under subsection 4, the Corporation is liable to the owner of any land, building or structure affected by the by-law for any consequential damages. Liability of Corporation

By-laws
re taxicab
licences

6. The council of the Corporation may, by by-law, limit the proportion of the total number of the taxicab licences issued in the municipality, which may be held by one person or corporation or two or more corporations having interlocking Boards of Directors.

Designation
of
rehabilitation
areas

7. The council of the Corporation may, with the approval of the Minister of Municipal Affairs, by by-law, designate any area or areas of the municipality to qualify under a scheme for the rehabilitation of the designated area, to participate by agreement or otherwise with Central Mortgage and Housing Corporation or the Province of Ontario, or both, in the establishment of the scheme, including the financing thereof and the granting of loans to the owners of property, within the designated area, for the improvement or rehabilitation of said properties, the said loans to be repayable at such interest as the council may determine or as may be determined under the scheme as the case may be, over periods of up to twenty years and for the repayment of such loans being recoverable in like manner as municipal taxes.

Investment
of moneys

8. The council of the Corporation may, by by-law, authorize the treasurer of the Corporation to invest moneys not immediately required for the purposes of the Corporation with any other Ontario municipality or local board or commission of the City of London or any other Ontario municipality and generally under terms provided for by section 312 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Utilization
of current
funds for
capital
projects

9. The council of the Corporation may, by resolution, authorize and empower the treasurer of the Corporation to utilize current account funds, not immediately required, for the purpose of interim financing of capital projects.

Investment
of reserve
funds

10. The council of the Corporation may, by by-law, authorize the treasurer of the Corporation, in addition to the powers contained in section 308 of *The Municipal Act*, to invest reserve funds in the general fund of the municipality, subject to the following:

1. Not more than 50 per cent of the total reserve funds may be so invested at any one time.
2. A rate of interest equal to the interest paid by the City of London on its temporary borrowings shall be established and the product of such interest rate when applied to the amount of the reserve funds so invested shall be distributed to the reserve funds from which the temporary borrowing was made.

11. This Act comes into force on the day it receives Royal Assent. Commence-
ment

12. This Act may be cited as *The City of London Act, 1972*. Short title

SCHEDULE

THIS AGREEMENT made this 21st day of December, in the year of our Lord, one thousand nine hundred and seventy-one.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON, hereinafter called the "CITY".

OF THE FIRST PART,

—and—

COVENT GARDEN BUILDING INCORPORATED, a Corporation formed under the laws of the Province of Ontario and having its head office in the City of London, and Province of Ontario, hereinafter called the "CORPORATION".

OF THE SECOND PART.

WHEREAS *The City of London Act, 1952*, Section 3, subsection (1) as amended by *The City of London Act, 1954*, Section 6, subsection (1) as further amended by *The City of London Act, 1966*, Section 10 provides as follows:

"3.—(1) Without limiting any of the powers of the Corporation the Council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or license fee, as to the Council may appear proper, provided no term of rental or license shall exceed one year;
- (b) when, in the opinion of the Council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the Council may appear proper, spaces for parking of vehicles and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the Council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of Section 486 of *The Municipal Act*;
- (c) notwithstanding any other act, to set aside for market purposes, on such days and times as to the Council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefore as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for infractions of such regulations as to the Council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of Section 486 of *The Municipal Act*;

- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the Council may appear proper;
- (e) to lease any or all of the Market Square for a period not exceeding sixty years to a private, non-profit corporation formed by local businessmen for the purpose of erecting thereon a combined Market and Parking Building at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the buildings and the operating expenses of both the Market Parking Building and the Underground Parking Garage to be constructed at Centennial Square are recovered from both projects, whichever shall first happen."

AND WHEREAS *The City of London Act, 1966*, Section 11 provides as follows:

"Without limiting any of the powers of the Corporation the Council of the Corporation is authorized and empowered to lease any or all of the lands comprising Centennial Square in the City of London, bounded by Dufferin Avenue on the South, Wellington Street on the West, Princess Avenue on the North and a line three hundred and forty-two feet (342') Easterly from Wellington Street and parallel thereto on the East, for a period not exceeding fifty years to Covent Garden Building Association, a Corporation without share capital incorporated as such under the laws of Ontario and having its head office in the City of London, for the purpose of erecting thereon an Underground Parking Garage at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be agreed upon by the Corporation and Covent Garden Building Association, provided the Underground Parking Garage shall be given to the City of London without charge and free from all encumbrances on the expiration of the lease or as soon as the cost of the buildings and the operating expenses of both the Market Parking Building and the Underground Parking Garage are recovered from both projects, whichever shall first happen."

AND WHEREAS the Corporation is a Corporation without share capital incorporated as such under the laws of the Province of Ontario and has its head office in the City of London and was formed by local businessmen;

AND WHEREAS in pursuance of an Agreement made the 18th day of January, 1955 between the City and the Corporation, which said Agreement was wholly superseded and replaced by a subsequent Agreement made the 5th day of December, 1966, the Corporation has financed, erected and operated on the Market Square in the City of London a Market and Parking Building;

AND WHEREAS by Indenture of Lease made the 15th day of February, 1956 between the City and the Corporation, the City leased to the

Corporation all the lands more particularly described in the said Indenture of Lease for a term of 30 years to be computed from the 15th day of February, 1956;

AND WHEREAS the said Indenture of Lease made the 15th day of February, 1956 was amended by a Lease Amendment Agreement dated the 5th day of December, 1966 to provide that the term of the said Indenture of Lease shall be 60 years to be computed from the 15th day of February, 1956;

AND WHEREAS in pursuance of an Agreement dated the 5th day of December, 1966 made between the City and the Corporation, the Corporation has financed, erected and operated an Underground Parking Garage at Centennial Square;

AND WHEREAS pursuant to the provisions of the said Agreement made the 5th day of December, 1966, the Market and Parking Building and the Underground Parking Garage shall be given to the City without charge and free from all encumbrances at the end of the terms of the leases therein referred to, or at such date that the costs of the said Market and Parking Building and the Underground Parking Garage and the operating expenses are recovered and the bonds, debentures, interest and all other charges, expenses, claims and encumbrances are retired and paid from the revenue proceeds of the said buildings, whichever event shall first happen;

AND WHEREAS the City has found that the above-mentioned arrangements have been satisfactory and have worked to the advantage and benefit of the City of London;

AND WHEREAS the City is desirous of entering into an arrangement with the Corporation in order to provide that certain future parking facilities proposed by the City will be financed, erected and operated by the Corporation;

AND WHEREAS in furtherance of the aforementioned goal, it is the mutual intent and desire of the City and the Corporation to enter into this Agreement in order to amend the said Agreement made the 5th day of December, 1966 and to amend the terms of the Leases therein referred to so that the terms of the Leases relating to the Market and Parking Building and the Underground Parking Garage shall be extended to mutual expiry date of the 1st day of December, A.D. 2055 or such earlier date as the cost of all buildings and all operating expenses of such parking facilities are recovered from such projects and further to provide that certain future parking facilities proposed by the City shall be financed, erected and operated by the Corporation for a period of years not to extend beyond the 1st day of December, A.D. 2055, or until the costs of the Market and Parking Building, the Underground Parking Garage and all subsequent parking facilities are recovered whichever event shall first happen, at which time all the said buildings and parking facilities shall be conveyed to the City of London without charge and free from encumbrances;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out, the parties hereto agree as follows:

1. The City undertakes and agrees that it will notify the Corporation in writing of its desire to provide any parking facility in the City of London (save and except any ground level parking lot more than one thousand feet distant from any parking facility operated by the Corporation, and save and except any building or structure erected or operated incidental and

subsidiary to the development of real property which building or structure is required by the City to be erected or operated as a condition of the granting of approval to the development of such real property or any part thereof) (hereinafter referred to as the "parking facility") and together with such written notice the City shall disclose all available information in order to assist the Corporation to determine whether it would be feasible to finance, erect and operate such parking facility.

2. The Corporation shall within ninety (90) days of the receipt of such written notice, notify the City in writing whether or not it is prepared to accept the responsibility for financing, erecting and operating any such parking facility.

3. During the term of this Agreement, the City shall not enter into any agreement relating to the financing, erecting and operating of any parking facility with any person, firm or corporation other than Covent Garden Building Incorporated unless such agreement is in furtherance of the intent of this agreement, however, if the Corporation is not prepared to accept the responsibility of financing, erecting and operating any such parking facility, the City reserves the right to finance, erect and operate any parking facility itself.

4. The City agrees and undertakes to save harmless the Corporation from all reasonable costs and expenses incurred in regard to any feasibility study or any other studies or searches of any such parking facility or proposed parking facility, from the time of the giving of a written notice by the City to the Corporation until such time as the Corporation by written notice to the City indicates that it is unwilling or unable to accept the responsibility for financing, erecting and operating any such parking facility.

5. The City agrees to convey all the necessary lands to the Corporation for any proposed parking facility for a term of years not to extend beyond the termination date referred to in Paragraph 13 hereof.

6. The City hereby agrees to grant and the Corporation agrees to lease for a term of years to be ascertained by reference to the termination date more particularly defined in Paragraph 13 hereof, all lands necessary for the erection and operation of any parking facility for the yearly rental of One Dollar (\$1.00) payable annually, and the City hereby covenants, promises and agrees that no such lands or buildings shall, during the currency of the lease or leases relating thereto, be subject to municipal taxes, business taxes or special assessments or charges of any nature or kind whatsoever, and without limiting the generality of the foregoing, including charges under *The Local Improvement Act*. PROVIDED nothing herein shall exempt tenants from business tax.

7. The City agrees, subject to the approval of the Ontario Municipal Board, to guarantee the financing of any parking facility.

8. The City agrees to amend,

- (a) the Indenture of Lease dated the 15th day of February, 1956 as amended by an Indenture made the 5th day of December, 1966, relating to the Market and Parking Building more particularly therein described (hereinafter referred to as the "Market and Parking Building"), and
- (b) the Indenture of Lease dated the 5th day of December, 1966 relating to the Underground Parking Garage more particularly therein described (hereinafter referred to as the "Underground Parking Garage"),

to extend the terms of the said leases for a term of years to be ascertained by reference to the termination date more particularly defined in paragraph 13 hereof.

9. The City agrees to amend the Agreement made the 5th day of December, 1966 to provide that the lands upon which the Market and Parking Building and the Underground Parking Garage are constructed shall be leased to the Corporation for a term of years to be ascertained by reference to the termination date more particularly defined in paragraph 13 hereof.

10. The City undertakes and agrees that it will obtain any and all authorizations, consents and approvals required to enable the City to enter into this Agreement or required to give this Agreement full force and effect, and without restricting the generality of the foregoing, the City undertakes and agrees that it will obtain all legislation necessary to give full force and effect to this Agreement; Provided however that if such authorizations, consents, approvals, and legislation are not obtained within a reasonable time, then this Agreement shall be null and void.

11. The City agrees that it will enact, in the form and manner required by Statute, all by-laws required to give full force and effect to this Agreement.

12. The parties hereto agree that all revenue received by the Corporation from the operation of the Market and Parking Building, the Underground Parking Garage and any other parking facility financed, erected and operated by the Corporation pursuant to the provisions of this Agreement (hereinafter collectively referred to as the "Undertakings") may be consolidated, provided however, that no such revenue or consolidated revenue shall be expended for any other purposes than for the necessary operational expenses, repairs, improvements or other necessary charges for the operation, maintenance and care of the said Undertakings and for the purpose of retiring the bonds, debentures and other forms of indebtedness and interest thereon and incurred for the said Undertakings. Any surplus shall be used for the said purposes and no dividends shall be paid. If any surplus exists at the time of turning over the said Undertakings to the City, the same shall be paid to the City after providing for all debts and the cost of winding up the Corporation.

13. The City and the Corporation mutually agree that the terms of all leases herein referred to, or proposed leases of parking facilities shall extend to the 1st day of December, 2055 or to the date on which the costs of the said Undertakings and the operating expenses are recovered, and the bonds, debentures, interest and all other charges, expenses, claims and encumbrances are retired and paid from the revenue proceeds of the said Undertakings, whichever event shall first happen, which date is hereinafter referred to as the "termination date".

14. The Corporation agrees that upon the said termination date more particularly defined in Paragraph 13 hereof, the Corporation will transfer the lands and buildings which comprise the Undertakings, together with all operating machinery and equipment used in the operation of the said Undertakings to the City, free and clear of all claims, charges and encumbrances, provided that any licences, tenancies and occupancies which may run for a term beyond the termination date as hereinbefore set out shall be accepted by the City, provided that no leases shall be entered into or be renewed for any term to be completed later than the 30th day of November, 2055 without the consent in writing of the City.

15. The City shall be deemed to have an equity in the said Undertakings equal to the sum of the bonds and debentures or other financing as may be retired from time to time provided that control of the operation of the said Undertakings shall not thereby be altered nor shall any obligation upon the City be deemed to arise thereby.

16. The Corporation agrees that the City may nominate two members of Council to sit on the Board of Directors of the Corporation.

17. The Corporation agrees that it will furnish to the City one copy of the audited financial statement of the Corporation within a reasonable time after the end of the fiscal year of the Corporation.

18. All notices, demands or requests which may be, or are required to be given by either party to the other herein shall be in writing and delivered or sent by prepaid registered mail to the parties at their respective addresses. Unless notice of change of address shall be given by either party to the other, their respective addresses shall be:

City Clerk
The Corporation of the City of London
City Hall
300 Dufferin Avenue
P.O. Box 5035
London 12, Ontario

AND TO: The President and Directors
Covent Garden Building Incorporated
130 King Street
London 12, Ontario,

and if any such notice is sent by prepaid registered mail it shall be deemed to have been received on the third business day following the mailing thereof.

19. This agreement shall enure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers, duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE CITY
OF LONDON

Mayor.

Clerk.

COVENT GARDEN BUILDING
INCORPORATED

President.

Secretary.

CHAPTER 182

An Act respecting Morton Terminal Limited

Assented to April 27th, 1972
Session Prorogued December 15th, 1972

WHEREAS Morton Terminal Limited hereby represents ^{Preamble} that it is a company incorporated under *The Corporations Act*; that it is desirable that Morton Terminal Limited be granted railway powers and, in so far as the legislative authority of the Legislature extends, the assets and undertaking of The Essex Terminal Railway Company be vested in Morton Terminal Limited; and whereas The Essex Terminal Railway Company has consented to the vesting of its assets and undertaking in Morton Terminal Limited; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; ^{R.S.O. 1970, c. 89}

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Morton Terminal Limited, herein called the Company, ^{Morton Terminal Limited granted railway powers} is authorized and empowered to acquire, operate, improve, equip, maintain, lease, sell and otherwise dispose of a railway from a point in the City of Windsor, in the County of Essex through the Township of Sandwich West and through the Township of Anderdon to a point or points in or near the Town of Amherstburg, and the said railway, in so far as it may be necessary for the operation of the same, may be carried along, upon or across such public highways as may be authorized by the respective corporations having jurisdictions over the same.

2. In so far as the legislative authority of the Legislature extends, the powers, rights, privileges, franchises, assets, effects and properties, real and personal, belonging to or possessed by The Essex Terminal Railway Company or to which it is or would hereinafter have been or become entitled are, ^{Assets of Essex Terminal Railway vested in Morton Terminal Limited} on the 1st day of July, 1972, vested in the Company.

3. The Company may, subject to the provisions of *The Railways Act* or any other general Act of the Legislature ^{Powers R.S.O. 1950, c. 331} affecting railways for the time being in force,

- (a) acquire running rights over any other railway operating within the said territory; and
- (b) acquire by purchase or lease any other railway operating wholly or in part within the territory above described or any part of the trackage or rolling stock of any such railways.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Morton Terminal Limited Act, 1972*.

CHAPTER 183

An Act respecting the City of Oshawa

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Oshawa hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

^{Interpre-}
^{tation}

- (a) “Corporation” means The Corporation of the City of Oshawa;
- (b) “council” means the council of the Corporation;
- (c) “Commission” means the Public Utilities Commission of the City of Oshawa;
- (d) “employee” means any salaried officer, clerk, workman, servant or other person in the employ or formerly in the employ of the Corporation or of a local board and includes an employee of the Commission and further includes a member of the police force of the Corporation and any person or class of person designated as an employee by the Minister;
- (e) “local board” includes the Commission or any other public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, board or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Corporation but does not include a hospital established under any general or special Act;

(f) "service" means employment of an employee, and "credited service" means service under an approved pension plan for which a pension is payable;

(g) "year's maximum pensionable earnings" means the Year's Maximum Pensionable Earnings as defined in the *Canada Pension Plan*.

R.S.C. 1970,
c. C-5

Retirement
allowances

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws granting an annual retirement allowance payable weekly, monthly or otherwise to an employee or former employee who during his life has had not less than five years continuous service with the Corporation or any local board, and who,

(a) has retired because of age; or

(b) while in the service of the Corporation has become ill or disabled or otherwise unable to discharge his duties; and

(c) is not entitled to an annual retirement allowance payable under any by-law of the Corporation enacted from time to time passed under the provisions of section 239 of *The Municipal Act* or any successor thereof.

R.S.O. 1970,
c. 284

Limitation
on amount of
allowance

(3) No payment shall be made by the Corporation on behalf of any employee that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service up to thirty-five years and reduced by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the Corporation multiplied by the number of years of credited service of the employee.

How amount
of allowance
calculated

R.S.C. 1970,
c. O-6

R.S.O. 1970,
c. 324

(4) The amount of the retirement allowance shall be a sum which when added to payments received at the rate then in effect by the employee or former employee under the *Old Age Security Act*, *Canada Pension Plan*, *The Ontario Municipal Employees Retirement System Act* or any pension plan established by the Corporation under paragraph 64 of section 352 of *The Municipal Act* or any predecessor of that section, would together with the income from those sources raise the employee's income from all sources hereinbefore mentioned to a sum not to exceed \$3,000 annually and this sum shall be hereinafter referred to as the pension income.

(5) The pension income may be increased by by-law passed from time to time amending any by-law granting any retirement allowance under the provisions of this Act but the rate of such increase shall not exceed the percentage increase in the level of the Consumer Price Index published by Statistics Canada to the date of the passing of any by-law or amending by-law from the level at the date of coming into force of this Act. Increase in pension income

(6) Any by-law passed under this Act may provide that the retirement allowance payable to any employee with more than fifteen years service shall be increased by an amount not to exceed 2 per cent of the pension income for each year of service in excess of fifteen years to a maximum of five years. Increase in retirement allowance

(7) Any by-law passed under this Act may provide that the retirement allowance payable to any employee with less than fifteen years service shall be reduced by an amount not to exceed 2 per cent of the pension income for each year by which the employee's service is less than fifteen years to a maximum of five years. Reduction in retirement allowance

(8) Where an employee has not contributed to a pension established by the Corporation under paragraph 64 of section 352 of *The Municipal Act* or any predecessor of that section, although he was entitled to contribute, the Corporation may reduce the payment to such employee under any by-law granting a retirement allowance to one-half of the amount that would otherwise be payable. Idem R.S.O. 1970, c. 284

(9) Where the council grants an annual retirement allowance to an employee under subsection 1, the by-law may include a provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual retirement allowance payable to the employee. Continuation of allowance to spouse

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The City of Oshawa Act, 1972*. Short title

CHAPTER 184

An Act respecting the City of Ottawa

Assented to May 4th, 1972
Session Prorogued December 15th, 1972

WHEREAS The Corporation of the City of Ottawa, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1.—(1) Notwithstanding clause *b* of subsection 1 of section 28 Composition of council
 of *The Municipal Act*, the council of the Corporation may by by-R.S.O. 1970, c. 284
 law provide for one alderman for each ward.

(2) Notwithstanding the provisions of subsections 3, 6, Majority vote of council sufficient
 7 and 8 of section 208 of *The Municipal Act* requiring a two-
 thirds vote of the council, a majority vote of the council
 is sufficient for the exercise of the powers mentioned therein.

2. Notwithstanding section 312 of *The Municipal Act*, where Investment of moneys not immediately required
 the Corporation has moneys not required immediately by the
 Corporation, it may lend such moneys to any municipality or
 local board as defined in *The Municipal Affairs Act* by way of
 promissory note of the borrower, provided that the promissory
 notes become due and payable before the moneys invested
 are required by the Corporation, and all interest thereon shall
 be credited to the fund from which the moneys were invested.R.S.O. 1970, c. 118

3. Notwithstanding subsection 1 of section 466 of *The* Power to impose fines
Municipal Act, the council of the Corporation may pass by-laws
 for imposing a fine of not more than \$1,000, exclusive of costs,
 upon every person who contravenes any building by-law
 enacted heretofore or hereafter by the council of the Corpora-
 tion pursuant to section 35 or 38 of *The Planning Act*.R.S.O. 1970, c. 349

4.—(1) In this section,

- (a) “designated fire route” means a fire route designated
 by by-law of the Corporation;
- (b) “fire route” means any road, lane, ramp or other
 means of vehicular access to or egress from a building
 or structure and it may include part of a parking lot;

Interpreta-
 tion

- (c) “park” or “parking”, when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) “stop” or “stopping”, when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) “trailer” means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- (f) “vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

Power to
pass by-laws
re fire
routes
R.S.O. 1970,
c. 284

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws for,

- (a) regulating and designating fire routes and without limiting the generality of the foregoing, the by-laws may include the following:
 - (i) the dimensions, location, construction and maintenance standards of a fire route or of a designated fire route,
 - (ii) the location, the number and proximity to a building or structure of water hydrants,
 - (iii) the Building Inspector of the Corporation shall refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where

such is required, or where the said plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection,

- (iv) the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection, before any building permit referred to in the preceding subclause is issued,
 - (v) the return or release of the security, referred to in the preceding subclause, in part or in whole, as set forth in the by-laws passed pursuant to this subsection,
 - (vi) requiring existing fire routes, which do not comply with the provisions of the by-laws passed pursuant to this subsection, to comply, and for establishing a time limit within which said fire routes are required to so comply, or where there is a requirement for a fire route to an existing building or structure, it shall be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping up, for a period or permanently, designated fire routes;
- (c) regulating and governing traffic on designated fire routes;
- (d) prohibiting the parking or leaving of a vehicle or trailer unattended on a designated fire route or on any classes thereof and providing for the removal and impounding of any vehicle or trailer so parked or left unattended at the expense of the owner of said vehicle or trailer;
- (e) the erecting of signs, including the right of entering on property to accomplish this, which signs may be on or adjacent to a designated fire route and shall be in accordance with the by-laws enacted pursuant to this subsection, and which signs shall be in accordance with *The Highway Traffic Act* and the regulations made thereunder, and their effect shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;

(f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route, and for the erection of signs as aforesaid, and providing for recovery thereof in the event of non-payment, in the same manner as a by-law enacted pursuant to *The Municipal Act*;

R.S.O. 1970,
c. 284

(g) providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking or leaving of a vehicle or trailer unattended provisions have been contravened, and if payment is not made in accordance with the by-law, payment may be enforced in the same manner as a by-law enacted pursuant to *The Municipal Act*;

(h) authorizing a peace officer or a member of the Fire Department, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to cause such vehicle or trailer to be moved or taken to and placed or stored in another location, and all costs and charges of removing and storage thereof, if any, are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 267

Tax
exemption
authorized

5. Where any lands, buildings and structures have been acquired by Canada or Ontario or any agency thereof and recommended by The Ontario Heritage Foundation to be maintained for the express purpose of preserving the said lands, buildings and structures by reason of their historical, architectural or aesthetic interest, and notwithstanding section 13 of *The Ontario Heritage Foundation Act*, the council of the Corporation may pass by-laws exempting from taxation, other than local improvement and all sewer rates, all or any portion of said lands, buildings and structures when leased by Canada or Ontario or any agency thereof to any person or corporation.

R.S.O. 1970,
c. 315

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The City of Ottawa Act, 1972*.

CHAPTER 185

**An Act respecting
Peterborough Racing Association Limited**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS Peterborough Racing Association Limited^{Preamble} hereby applies for special legislation to increase the capital of the Company by the creation of 1,500 preference shares and 100,000 common shares each class of share to rank *pari passu* with the presently authorized 1,500 preference shares and 100,000 common shares and in respect of the other matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Peterborough Racing Association Limited Act, 1967*, being chapter 124, is repealed and the following substituted therefor:<sup>s. 3,
re-enacted</sup>

3. The capital of the Company shall be divided into^{Capital} 3,000 non-cumulative redeemable 6 per cent preference shares with a par value of \$100 each and 200,000 common shares with no par value not to be issued for a consideration exceeding in amount or value \$200,000.

2. Section 7 of the said Act is repealed.

<sup>s. 7,
repealed</sup>

3. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>

4. This Act may be cited as *The Peterborough Racing Association Limited Act, 1972*.^{Short title}

CHAPTER 186

An Act respecting the Town of Port Elgin*Assented to April 27th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the Town of Port Elgin, ^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands set forth in Schedule A hereto are vested in the Corporation with an absolute title in fee simple, with power to ^{Lands vested in the Corporation} sell, convey, lease or otherwise dispose of the same or any part thereof, clear of and free from all right, title and interest other than that of the Corporation.

2. The conveyances by the Corporation hereinafter set forth ^{Conveyances by Corporation validated} are validated and confirmed:

1. Conveyance by the Corporation to Ontario Housing Corporation, dated the 8th day of March, 1971 and registered the 10th day of March, 1971 in the Registry Office for the Registry Division of Bruce, as Instrument Number 83072, of the lands set forth in Schedule B hereto.
2. Conveyance by the Corporation dated the 23rd day of August, 1962, and registered the 15th day of November, 1962, in the said Registry Office as Instrument Number 29480, of the lands set forth in Schedule C hereto.
3. Conveyance by the Corporation, dated the 23rd day of November, 1962, and registered the 26th day of December, 1962, in the said Registry Office as Instrument Number 30059, of the lands set forth in Schedule D hereto.

3. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

4. This Act may be cited as *The Town of Port Elgin Act*, ^{Short title} 1972.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of the Public Square, Plan Number 11, for the said Town, being bounded on the north side by Mill Street, on the east by Albert Street, on the south by Green Street, and on the west by Victoria Street; saving and excepting that part of the said Public Square described as follows:

COMMENCING at the most northwesterly angle of the said square being the intersection of Victoria Street and Mill Street;

THENCE easterly along the northerly boundary of the said square a distance of 198 feet to a point;

THENCE southerly parallel to the most westerly boundary of the said square and the easterly boundary of Victoria Street a distance of 280 feet more or less to the southerly boundary of the said square being the northerly boundary of Green Street;

THENCE westerly along the southerly boundary of the said square a distance of 198 feet to the easterly boundary of Victoria Street;

THENCE northerly along the westerly boundary of the said square being the easterly boundary of Victoria Street a distance of 280 feet more or less to the place of beginning.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being part of the Public Square, Plan Number 11, for the said Town, bounded by Mill Street, Victoria Street, Green Street and Albert Street, more particularly described as follows:

COMMENCING at the most northwesterly angle of the said square being the intersection of Victoria Street and Mill Street;

THENCE easterly along the northerly boundary of the said square a distance of 198 feet to a point;

THENCE southerly parallel to the most westerly boundary of the said square and the easterly boundary of Victoria Street a distance of 280 feet more or less to the southerly boundary of the said square being the northerly boundary of Green Street;

THENCE westerly along the southerly boundary of the said square a distance of 198 feet to the easterly boundary of Victoria Street;

THENCE northerly along the westerly boundary of the said square being the easterly boundary of Victoria Street a distance of 280 feet more or less to the place of beginning.

SCHEDULE C

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of part of the Public Reserve on the south side of Market Street, and being more particularly described as follows:

COMMENCING at a point on the South Side of Market Street which said point is 66 feet Easterly from the North East corner of Lot 195 in Block 81 in the said Town of Port Elgin:

THENCE Southerly and parallel to the Easterly boundary of Block 81, a distance of 132 feet to a point;

THENCE Easterly and parallel to Market Street a distance of 66 feet to a point;

THENCE Northerly and parallel to the Easterly limit of Block 81 a distance of 132 feet to the Southerly limit of Market Street, which said line is along the Westerly limit of Southampton Street projected North;

THENCE Westerly along the Southerly limit of Market Street a distance of 66 feet to the place of beginning.

SCHEDULE D

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of part of the Public Reserve on the south side of Market Street, and being more particularly described as follows:

COMMENCING at a point on the South Side of Market Street which said point is 66 feet Westerly from the North West corner of Lot 197, in Block 82 in the said Town of Port Elgin;

THENCE Southerly and parallel to the Westerly boundary of Block 82, a distance of 132 feet to a point;

THENCE Westerly and parallel to Market Street, a distance of 66 feet to a point, which said point is the Easterly boundary of Southampton Street;

THENCE Northerly and parallel to the Westerly limit of Block 82, a distance of 132 feet to the Southerly limit of Market Street, which said line is along the Easterly limit of Southampton Street projected North;

THENCE Easterly along the Southerly limit of Market Street a distance of 66 feet to the place of beginning.

CHAPTER 187

An Act respecting the Town of Preston*Assented to May 16th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the Town of Preston,^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, the council of the Corporation may by by-law authorize and direct the Treasurer of the Corporation to allow a credit equivalent to that portion of the real property taxes levied by the Corporation for school purposes on payment by any person of the remaining portion of the taxes levied in respect of any residential real property owned and occupied by such person, or owned by such person and occupied by his or her spouse or by both, as his, her or their personal residence, where such person, or the spouse of such person, or both, has attained the age of sixty-five years and is receiving benefits under the *Old Age Security Act* (Canada) provided however, that no such credit,<sup>R.S.C. 1970,
c. O-6</sup> Tax credit to old age pensioners

- (a) shall exceed the sum of \$75 in any year;
- (b) shall be allowed to any person or to the spouse of such person in respect of more residential real property than one single family dwelling unit in any year;
- (c) shall be allowed to any person who has not made application therefor on or before the last day of July in the year in which the taxes in respect of which such application is made become due and payable;
- (d) shall be allowed to any person unless such person or the spouse of such person, or both, has been continuously assessed as the owner and occupant of

residential real property in the Town of Preston for at least ten years immediately preceding the date of the application; or

- (e) shall be allowed to any person until such person and his or her spouse, if any, have passed whatever means test may be provided in the said by-law.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Town of Preston Act, 1972*.

CHAPTER 188

**An Act respecting
the County of Prince Edward**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the County of Prince Edward hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation of the County of Prince Edward may pass by-laws,

Powers to
pass by-laws
re industrial
and
commercial
sites

- (a) on the vote of three-fourths of all of the members of council, for using land owned by the said Corporation and for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial and commercial operations and uses incidental thereto.

1. Where land has been acquired under this Act and any debt is outstanding in respect of the acquisition of the land or in respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Ministry of Treasury, Economics and Intergovernmental Affairs upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any

R.S.O. 1970,
c. 255

such moneys received thereafter shall be credited to the general funds of the said Corporation.

2. Any land acquired under this Act may be used by the Corporation for the purposes of the said Corporation or may be sold to any local board, as defined in *The Municipal Affairs Act*, for the purposes of such board.
3. Where it appears to the council that any land acquired under this Act is no longer required for the purposes for which it was acquired or for the use of the said Corporation, the council may, with the approval of the Department of Municipal Affairs, sell or dispose of the whole or any part of such lands for any purpose;

(b) for installing services in land owned by the said Corporation or acquired by the said Corporation under this Act for the purpose hereinbefore referred to.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The County of Prince Edward Act, 1972*.

CHAPTER 189

**An Act respecting Saint Peter's Seminary
Corporation of London, in Ontario***Assented to April 27th, 1972**Session Prorogued December 15th, 1972*

WHEREAS Saint Peter's Seminary Corporation of London, ^{Preamble}
in Ontario hereby represents that doubts have arisen as
to the power of the said Corporation under the letters patent
and supplementary letters patent relating thereto to confer
degrees in theology, and otherwise in respect of matters
relating to its scholastic affairs; and whereas the said Corpora-
tion hereby applies for special legislation for the purpose of
removing such doubts; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Saint Peter's Seminary Corporation of London, in Ontario ^{Powers}
has power,

- (a) to confer the degrees of bachelor, master and doctor
in theology, as well as diplomas and certificates in
theology;
- (b) to provide for the affiliation of Saint Peter's
Seminary with any other institution of higher learn-
ing, and for the dissolution of any such affiliation
or of any existing affiliation;
- (c) to confer honorary degrees in theology;
- (d) to establish departments and chairs in any subjects
taught in the Seminary; and
- (e) to enter into agreements for the founding, establish-
ment or maintenance of chairs, scholarships, prizes,
bursaries and other awards.

Degrees, etc.,
validated

2. All degrees, certificates and diplomas in theology hitherto granted by Saint Peter's Seminary Corporation of London, in Ontario and all previous exercises of the powers mentioned in section 1 are hereby validated, ratified and confirmed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Saint Peter's Seminary Corporation of London, in Ontario Act, 1972*.

CHAPTER 190

An Act respecting the City of Sarnia*Assented to April 27th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Sarnia, herein^{Preamble}
 called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth;
 and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. The council of the Corporation may pass by-laws to pay^{Authority}
 for and provide, either at all times or within specified times, to pass
 free transportation or transportation at reduced fares upon^{by-laws}
 the public bus transportation in the City of Sarnia to those^{re bus}
 residents of the City of Sarnia who are recipients of benefits^{fares}
 under the *Old Age Security Act* (Canada), the benefits pro-^{R.S.C. 1970,}
 vided by the Government of Ontario or the Government of^{c. 0-6}
 Canada, or by any other Government either within Canada or
 elsewhere, on the basis of advanced age, or to any class of such
 residents, or to those residents who are in receipt of benefits
 provided by the Government of Ontario or the Government
 of Canada, or by any other Government either within Canada
 or elsewhere, by reason of blindness or any other physical
 handicap or any mental handicap, and to provide in such by-law
 or by-laws for paying for such transportation or for the making
 of grants to Sarnia Transit Company Limited or to such other
 person, corporation or commission as may be providing public
 bus transportation in the City of Sarnia to cover the cost of
 providing such transportation.

2.—(1) In this section,

Interpre-
 tation

- (a) "Corporation" means The Corporation of the City of Sarnia;
- (b) "inspector" means the person or persons from time to time designated by the council of the Corporation to enforce the provisions of a by-law passed under this section;

- (c) “non-residential property” means a building or structure or part of a building or structure not occupied in whole or in part for the purposes of human habitation, with the land and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein;
- (d) “order” means a notice of violation and order to demolish or repair a non-residential property pursuant to a by-law passed under this section;
- (e) “owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, or a vendor of such land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or the person for the time being receiving instalments of the purchase price of the land or premises in connection with which the word is used sold under an agreement for sale whether on his own account or as agent or trustee for any other person or who would so receive the instalments of the purchase price if such land or premises were sold under an agreement for sale;
- (f) “repair” includes taking the necessary action to bring any non-residential property to the standards;
- (g) “standards” means the standards for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed by a by-law passed under this section.

Authority to
pass by-laws

(2) The council of the Corporation may pass by-laws,

- (a) for providing standards for non-residential property or any class or classes thereof within the municipality or within any defined area or areas and for prohibiting any person from using, permitting to be used, renting or offering to rent any such non-residential property that does not conform to the standards;
- (b) for requiring the owner of any non-residential property and, to the extent that he is made responsible by the lease or agreement under which he occupies the property, the occupant thereof to repair and maintain the non-residential property in accordance with the standards or demolish the whole or any part of the non-residential property;

(c) for appointing one or more inspectors for the administration and enforcement of the by-laws; and

(d) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section except by such persons and under such circumstances as may be prescribed therein.

(3) Where the owner of any non-residential property is unable to pay the expenses of making same conform to the standards required by the by-law, the Corporation may advance money to or for the benefit of such owner to the extent necessary to pay such expenses. Loans for repairs to non-residential property

(4) The Corporation shall have a lien upon the non-residential property in respect of which an advance as provided in subsection 3 is made for the amount of such advance together with interest thereon at a rate to be fixed from time to time by the council but which shall not exceed one-half of 1 per cent above the current long-term borrowing rate of the Corporation and the amount of such advance with the interest thereon shall be repayable to the Corporation by the owner of such non-residential property on such terms and conditions and over such period not to exceed twenty years as the council may prescribe in the same manner and at the same time as the municipal real property taxes in respect of the said non-residential property. Lien

(5) Notwithstanding subsection 4, upon the non-residential property ceasing to be owned by the owner to or for whose benefit the advance was made, the amount of the advance and the interest thereon in their full remaining balance may, at the option of the Corporation become immediately due and payable and may be collected in the same manner as real property taxes. Option of Corporation

(6) A certificate of the clerk of the municipality setting out the amount advanced or to be advanced to or for the benefit of any owner under the provisions of subsection 3 or setting out the amount expended or to be expended by or on behalf of the Corporation under the authority of subsection 7, including the rate of interest thereon, together with a description of the non-residential property in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficient to identify the said non-residential property shall be registered in the proper registry office or land titles office against the said non-residential property upon proof by affidavit of the signature of the clerk, and upon payment in full to the Corporation of any such amount advanced Certificate of lien for registration

or expended and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the non-residential property shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon and from the lien arising therefrom.

Power of
corporation
to repair or
demolish

(7) If the owner or occupant of a non-residential property fails to demolish the non-residential property or to repair in accordance with an order as confirmed or modified, the Corporation in addition to all other remedies,

- (a) shall have the right to demolish or repair the non-residential property accordingly and to do any work on adjoining property necessitated by such demolition or repair, and for those purposes with its servants and agents from time to time to enter in and upon the non-residential property and adjoining property;
- (b) shall not be liable to compensate such owner, occupant or any other person by reason of anything done by or on behalf of the Corporation under the provisions of this subsection; and
- (c) shall have a lien for any amount expended by or on behalf of the Corporation under the authority of this subsection, together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the non-residential property in respect of which such amount was expended, and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in one year or to the proper collectors' rolls to be collected by instalments over a period of not more than five years and the amount or each instalment may be collected in the same manner as municipal real property taxes.

Enforcement

R.S.O. 1970,
c. 284

(8) Notwithstanding any other Act, a by-law passed under the authority of this section shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such by-laws may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section.

Notice to
mortgagees
and others

(9) Before proceeding under subsection 3, the Corporation shall notify the mortgagee, vendor under agreement for sale or other encumbrancer appearing on the registered title by registered letter, specifying wherein the said non-residential property, building or premises are defective and if the defects

are not remedied within one month from such notification, then the provisions of subsection 3 apply.

(10) For the enforcement of any by-law passed under the authority of this section, the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any non-residential property or premises as an inspector under section 87 of *The Public Health Act*, and sections 87, 116 and 117, subsections 2 and 3 of section 118 and section 119 of the said Act shall, *mutatis mutandis*, apply.

Power of
inspector
to enter
upon non-
residential
property

R.S.O. 1970,
c. 377

(11) Where a conviction has been recorded against any person in respect of a non-residential property that does not conform to a by-law passed under the authority of this section, or where the owner or occupant of a non-residential property fails to demolish the non-residential property or to repair in accordance with an order as confirmed or modified, the inspector may order that such non-residential property be closed and remain closed, and prohibit its use as a non-residential property until the condition has been rectified, provided that notice thereof is given forthwith to the owner or to an adult person in the non-residential property, and in addition the inspector may give such notice to occupants and prospective occupants by posting signs or placards on the premises or by such other method as he considers necessary.

Powers to
close non-
residential
property and
prohibit its
use

(12) A by-law passed under the authority of this section may authorize an official named in the by-law to issue a certificate as to what proceedings, if any, are being taken as of the date of the certificate, and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide for the safety of buildings, and may authorize the collection of a fee for the issue of any such certificate.

Progress
certificates
authorized

(13) If after inspection the inspector is satisfied that in some respect any non-residential property violates the standards he may make an order, in which case he shall serve or cause to be served upon the registered owner of the non-residential property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have an interest therein and all occupants known to him over the age of eighteen years, a copy of the order, and notwithstanding the foregoing, any by-law passed pursuant to this section may be enforced in accordance with subsection 8, provided that the inspector has sent or caused to be sent a copy of such order to the owner of the non-residential property against whom such proceeding is taken by prepaid registered mail to his last known address.

Notice of
violation

Contents
of order

(14) The order shall contain,

- (a) a description of the non-residential property sufficient to identify and locate it;
- (b) the particulars of the violation and the time in which the demolition or repair to bring the non-residential property to the standards is to be made;
- (c) the final date for giving notice of appeal, if any, from the order; and
- (d) the form of notice of appeal which shall be annexed to the order and which shall show the place to which the notice of appeal must be sent.

Substituted
service

(15) If the inspector is unable to locate or serve the owner or any other person on whom he desires to serve an order or where it is ascertained that the owner or any such person is not within Ontario, the inspector may send or cause to be sent by prepaid registered mail a copy of such order addressed to such owner or other persons at his or their last known address and he may place a placard containing the terms of the order in a conspicuous place on the property, and the sending of the copy of the order and the placing of the placard shall be deemed to be sufficient service of the order on the owner or other persons.

Duty of
owner or
occupant
on receipt
of notice

(16) When an order has been served in accordance with this section, unless he has given notice of appeal in accordance with this section or, when an order has been sent by prepaid registered mail, the owner and the occupant, if he is liable, shall carry out the repair or demolition within the time and in the manner specified in the order.

Appeal

(17) When the owner or occupant who has been served in accordance with this section is not satisfied that the non-residential property should be demolished or that the repair ordered is necessary to bring the existing conditions up to the standards, he may give notice of appeal to the non-residential standards appeal committee by returning the notice of appeal in the form annexed to the order to the clerk of the municipality within fifteen days after service of the order on him as herein provided, and, in the event that no notice of appeal is given, the order shall be deemed to have been confirmed.

Decision
on appeal

(18) Where notice of appeal is given in accordance with this section, after affording a reasonable opportunity to every person on whom an order has been served to make such representations as he sees fit, and after inspecting the non-residential

property, in the presence of any such person if so requested by him in writing, the committee shall have the powers and functions of the inspector and may confirm the order to demolish or repair or may modify or discharge it, provided that nothing herein shall authorize the committee to permit a breach of any by-law passed hereunder.

(19) Any person or corporation affected by a decision of ^{Appeal to judge} the non-residential standards appeal committee may appeal the decision to a judge of the county court of the County of Lambton by so notifying the clerk of the Corporation in writing and by applying for an appointment within fifteen days after notice of the decision has been given, and

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed at least one month before the day appointed for the hearing of the appeal; and
- (c) the judge on such appeal has the same powers and functions as the non-residential standards appeal committee.

(20) The order as deemed to have been confirmed pursuant ^{Effect of decisions} to subsection 17 or as confirmed or modified by the non-residential standards appeal committee or, in the event of an appeal to the judge pursuant to subsection 19, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order, as so confirmed or modified.

(21) When an order has been served in accordance with ^{Registration of order} subsection 13 or 15, the order may be registered in the proper registry office or registered as a caution in the proper land titles office, and, when so registered all conveyances, mortgages, leases or other dispositions of the land to which the order applies and all interests acquired under any such conveyances, mortgages, leases or dispositions shall be subject to such order as confirmed or modified, and such order shall be an encumbrance on the land.

(22) When the requirements of the order have been satisfied ^{Discharge of order} the city clerk shall deliver to any interested person a certificate that the order has been so satisfied, and such certificate may be registered in the same manner as the order and shall operate as a discharge thereof.

Non-residential
standards
appeal
committee

(23) When the council of the Corporation has passed a by-law under this section it shall constitute and appoint a non-residential standards appeal committee composed of five persons as the council considers desirable.

Term of
office

(24) Members of the committee shall hold office for three years and until their successors are appointed, and are eligible for re-appointment, and, when a member ceases to be a member before the expiration of his term, the council shall appoint another person for the unexpired portion of his term.

Chairman

(25) The committee may elect its own chairman and vice-chairman who shall preside in the absence of the chairman.

Secretary

(26) The committee may appoint a secretary.

Quorum

(27) Three members of the committee are a quorum.

Procedure

(28) The committee may adopt its own rules of procedure.

Notice

(29) The committee, before hearing an appeal, shall give notice of the hearing and, after hearing an appeal, of the result thereof, in such manner and to such persons as the committee considers proper.

Oaths

(30) The chairman and vice-chairman of the committee may administer oaths.

Remunera-
tion

(31) The members of the committee may be paid such remuneration as the council provides.

Furnishing
of copy of
order

(32) No person shall sell, mortgage, lease or agree to sell, mortgage or lease any non-residential property in respect of which an order has been served under this section or any by-law passed hereunder without first having furnished any proposed purchaser, mortgagee, lessee with a true copy of such order.

Owner's
right of
entry

(33) Every owner shall have the right to enter and repair any non-residential property pursuant to an order, notwithstanding anything contained in or resulting from a lease or agreement pursuant to which possession of the non-residential property has been given to another person.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Sarnia Act, 1972*.

CHAPTER 191

An Act respecting the City of Sarnia

*Assented to May 4th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Sarnia, herein ^{Preamble}
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and whereas
 it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1.—(1) The council of the Corporation may enter into an ^{Agreements}
 agreement with the owner or occupant of a building or ^{for relief}
 structure to be erected or used providing for relief, to the extent ^{from require-}
 set out in the agreement, from any requirement in any by-law ^{ments to}
 of the Corporation for the provision or maintenance of parking ^{provide}
 facilities on land that is not part of a highway, and exempting ^{parking}
 such owner or occupant, to the extent specified in the agree-
 ment, from the necessity of providing or maintaining such
 facilities.

- (2) Every agreement referred to in subsection 1 shall, ^{Agreements}
^{approved by}
^{O.M.B.}
- (a) be subject to the approval of the Ontario Municipal
 Board given either before or after the execution
 thereof; and
- (b) require the payment to the Corporation of a sum of
 money therein set out, either in a lump sum or by
 instalments, together with interest at a rate therein
 specified, and shall set forth the basis upon which
 the sum is computed.

(3) All moneys paid or to be paid pursuant to an agreement ^{Payments}
 referred to in subsection 1 shall be paid into a special account ^{under}
 and may be invested in such securities as a trustee may ^{agreements}
 invest in under *The Trustee Act*, and the earnings derived ^{held as fund}
 from the investment of such moneys shall be paid into such ^{for purpose}
 special account, and the moneys in such special account shall ^{of parking}
^{facilities}
^{R.S.O. 1970,}
^{c. 470}
 be expended for the same purposes and in the same manner

as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Registration
of agreement
imposes lien
on land

(4) Any such agreement may be registered against the land affected thereby in the proper registry or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien or charge upon the lands described therein and may be collected in the same manner and with the same remedies as provided by *The Municipal Act*, and *The Municipal Affairs Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, there shall be registered in the proper registry or land titles office against such lands a certificate from the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970,
c. 118

Audit of
fund

(5) The city auditor in his annual report shall report on the activities and position of any special account established under this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Sarnia Act, 1972* (No. 2).

CHAPTER 192

**An Act respecting
the City of Sault Ste. Marie**

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may impose as a condition to the passing of any by-law to amend its restricted area by-laws to permit the erection of multiple family residential units on any land, that 2.5 acres of land per one thousand persons of population shall be conveyed to the Corporation for public purposes other than highways.

Park levy

(2) In calculating the population of the units referred to in subsection 1, each bachelor, one bedroom, and two bedroom apartment shall be deemed to accommodate two, two and three persons respectively, and each additional bedroom shall be deemed to accommodate one additional person.

Method of calculation

(3) The council of the Corporation may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 1, the acceptance by the Corporation of money to the value of such land required to be conveyed, and subsection 11 of section 33 of *The Planning Act* applies *mutatis mutandis* to all moneys received under this subsection.

Cash pay-
ment in lieu
of conveyance

(4) Land conveyed or money paid in lieu thereof pursuant to section 33 of *The Planning Act* shall be deducted from the conveyance or payment required under subsections 2 and 3.

R.S.O. 1970,
c. 349,
requirements
deducted

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The City of Sault Ste. Marie Act*, 1972.

Short title

CHAPTER 193

**An Act respecting
the City of Sault Ste. Marie**

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may, to such extent as it thinks fit, pay the legal costs incurred by employees of the Sault Ste. Marie Parking Authority in respect of the judicial inquiry conducted by His Honour Judge I. A. Vannini during the period September 7th, 1971 to November 16th, 1971 to inquire whether there had been any misconduct, and if so, by whom, in the collection and disposition of moneys deposited into parking meters.

Payment of
legal costs of
Parking
Authority
employees
authorized

2.—(1) Where the council of the Corporation has passed a by-law with the approval of the Ontario Municipal Board under paragraph 72 of section 352 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area, the Sault Ste. Marie Parking Authority prior to the 1st day of February in any year shall prepare and deliver to the clerk of the Corporation a notice to be sent to every person assessed under such by-law, such notice to set out the sum or sums for which such person has been assessed and the method of calculating such assessment and a short description of the property affected by such assessment, and the clerk shall deliver such notice in the manner prescribed by section 40 of *The Assessment Act* for the delivery of a notice of assessment.

Notice of
annual
parking levy
R.S.O. 1970,
c. 284

R.S.O. 1970,
c. 32

Cancellations,
reductions,
refunds of
levy

(2) An application may be made to the council of the Corporation for the cancellation, reduction or refund of the sum or sums levied in accordance with subsection 1 in the year in respect of which the application is made by any person who claims that the special benefit derived by a parcel of land in the defined area has decreased from that shown in the notice aforesaid.

Time for
making
application

(3) The application may be made at any time during the year in respect of which the application is made and until the 14th day of February in the following year and notice in writing of the application shall be given to the clerk.

Notice of
hearing

(4) The clerk shall give to all persons claiming under subsection 2 notice of any hearing by the council at least seven days before the date fixed for the hearing.

Service of
notice

(5) The clerk shall cause any notice under this section to be left at the person's residence or place of business or to be sent by mail addressed thereto.

Powers of
council

(6) The council, subject to such restrictions and limitations as are contained in this section, may reject the application or,

(a) where the levy has not been paid, cancel the whole of the levy or reduce the levy; or

(b) where the levy has been paid in full, order a refund of the whole of the levy or any part thereof; or

(c) where the levy has been paid in part, order a refund of the whole of the levy paid or any part thereof and reduce or cancel the portion of the levy unpaid.

Hearing and
disposition

(7) The council shall hear and dispose of every application not later than the 28th day of February in the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given.

Difference to
be paid out
of reserve
fund

(8) Where a levy has been cancelled, reduced or refunded in accordance with this section in respect of any year, the amount by which such levy has been cancelled, reduced or refunded shall be paid out of the Sault Ste. Marie Parking Authority reserve fund and applied for such purpose or purposes for which the levy was made.

Annual
by-law to
reapportion
parking levy

(9) The council in each year in which it cancels, reduces or refunds the levy referred to in subsection 1 shall by-law

apportion the cost mentioned in clause *g* of paragraph 72 of section 352 of *The Municipal Act* against each parcel of land in the benefitting areas which continue to derive special benefit.

R.S.O. 1970,
c. 284

3. The Corporation may by by-law cancel, reduce or refund taxes levied on premises 654 Queen Street East under Benefit Assessment Parking By-law 3345 for the years 1970 and 1971 and any interest, penalties or other costs incidental thereto that may have been levied against the owner, and the amount of such cancellation, reduction or refund shall be paid out of the Parking Authority reserve fund.

Cancellation,
etc., of taxes,
654 Queen
Street East

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The City of Sault Ste. Marie Act*, 1972 (No. 2).

Short title

CHAPTER 194

An Act respecting the County of Simcoe

Assented to April 27th, 1972
Session Prorogued December 15th, 1972

WHEREAS The Corporation of the County of Simcoe ^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "council" means the council of the County;
- (b) "County" means The Corporation of the County of Simcoe;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the council.

2.—(1) Notwithstanding subsections 1 and 2 of section 27 of *The Municipal Act*, membership on the council and the votes of such members shall be as follows: ^{County council: composition of and votes on}

R.S.O. 1970,
c. 284

- 1. Where a local municipality has less than 2,500 municipal electors, the reeve only shall be a member of the council and shall have one vote.
- 2. Where a local municipality has not less than 2,500 and not more than 5,000 municipal electors, the reeve and the deputy reeve shall be members of the council and shall each have one vote.

3. Where a local municipality has more than 5,000 but not more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have two votes.

Application (2) Subsection 1 applies with respect to the composition of and votes on the council for 1973 and subsequent years.

Application of R.S.O. 1970, c. 284 3. Subsection 2 of section 34 and section 202 of *The Municipal Act* apply *mutatis mutandis*.

Commence-ment 4. This Act comes into force on the day it receives Royal Assent.

Short title 5. This Act may be cited as *The County of Simcoe Act, 1972*.

CHAPTER 195

An Act respecting the City of St. Catharines*Assented to April 27th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of St. Catharines, Preamble
herein called the Corporation, hereby represents that there has been on deposit with the Corporation and municipalities amalgamated therewith in 1961 certain financial deposits with respect to subdivision developments in the amalgamated municipalities and subsequent to amalgamation certain other financial deposits with respect to subdivisions developed in the ensuing years; that improvements have been made in certain of the subdivisions during the course of the years and, in other cases, it is unlikely within the foreseeable future that the improvements for which the deposits were made will be undertaken; and whereas the applicant hereby applies for special legislation in respect of such deposits; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation may, from time to time, with the approval of the Department of Municipal Affairs, pass by-laws in relation to moneys on deposit with the Corporation on the day this Act comes into force, in respect of subdivision developments, Power to pass by-laws

(a) where improvements have been made in subdivisions at Corporation expense, to transfer to the General Account moneys on deposit in connection therewith;

(b) where improvements have been made in subdivisions under *The Local Improvement Act* or relative sections of *The Municipal Act*, to transfer such moneys on deposit to the cost thereof; and R.S.O. 1970, cc. 255, 284

(c) where it is unlikely that deposits in certain subdivisions will in the foreseeable future be required for the intended purposes, to provide for the payment to the

registered owners of lands affected by such subdivision agreements the relative proportion of such moneys on deposit applicable thereto.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of St. Catharines Act, 1972*.

CHAPTER 196

An Act to incorporate St. John's School (Elora)

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS Chris L. Armstrong, Paul R. Bawden, Ronald D. Macdonald, William B. Ellis, Arthur B. Barton, C. A. Boehm, Richard J. Hobson, James F. Chalmers, Gilbert Thompson, Aileen R. Harris, Havelock F. Jewson, William G. Boddington, Cecil A. Wallace, Donald F. Collier, Shirley S. MacRae, Robert E. Hulse, Glenn E. Carroll, Fred S. Thompson, John Purdy, George C. Spaetzel, Peter G. Peloso and John A. Pollock hereby represent that it is desirable to incorporate a boys' school with the purpose of providing an education on the elementary and secondary level, based upon the teaching and environment of the Anglican Church, and in compliance with the academic and scholastic requirements of the Ministry of Education of Ontario, and that the purposes for which a school is to be formed will be promoted by an Act of Incorporation; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Chris L. Armstrong, Paul R. Bawden, Ronald D. Macdonald, William B. Ellis, Arthur B. Barton, C. A. Boehm, Richard J. Hobson, James F. Chalmers, Gilbert Thompson, Aileen R. Harris, Havelock F. Jewson, William G. Boddington, Cecil A. Wallace, Donald F. Collier, Shirley S. MacRae, Robert E. Hulse, Glenn E. Carroll, Fred S. Thompson, John Purdy, George C. Spaetzel, Peter G. Peloso and John A. Pollock, and such other persons as may be elected or appointed as members of the Board of Governors of the School, and their successors, are hereby constituted a body politic and corporate with perpetual succession and a common seal under the name of "The Corporation of St. John's School (Elora)", herein called the School.

Incorporation

Visitor

2. The Anglican Bishop of Niagara shall be the Visitor of the School.

Board of
Governors

3. There shall be a Board of Governors of the School, that shall consist of the persons named in section 1, who shall hold office until their successors are elected or appointed, and such other persons as may be elected or appointed in such manner and for such term as may be provided in the by-laws of the Board.

Management
of the
School

4. The Board of Governors has the control, management and government of the School and has power to make by-laws, rules and regulations not contrary to law or the provisions of this Act,

- (a) for the working and management of the School;
- (b) determining the number of members of the Board that shall constitute a quorum;
- (c) respecting the election or appointment of members of the Board; and
- (d) regulating all matters pertaining to meetings of the Board.

Borrowing
powers

5. The School may,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations including chartered banks, as may be determined by the Board of Governors;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) mortgage, hypothecate, pledge or charge any part or all of the property of the School to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board of Governors may determine, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board of Governors may determine, and mortgage, charge, hypothecate or pledge all or any part of the property of the School to secure any such bonds, debentures and obligations.

6. The School has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*,^{Property R.S.O. 1970, c. 225} power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to will, grant, convey, mortgage, hypothecate, pledge, charge, borrow or otherwise dispose of the same or any part thereof from time to time as the occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

7. The funds of the School not immediately required for its purposes and the proceeds of all property that come into the School, subject to any trust affecting the same, may be invested and re-invested in investments authorized by the law for the investment of trust funds and all property and revenue of the School shall be applied for the attainment of the objects for which the School is constituted and to the payment of expenses incurred for objects legitimately connected with or depending on the purposes aforesaid.^{Investment powers}

8. All property, real or personal, belonging to or hereafter belonging to the School, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to any person or persons in trust for or for the benefit of the School or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the School.^{Property vested in School}

9. Nothing herein contained has the effect or shall be construed to have the effect of rendering all or any of the members or officers of the School, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the School or for or on account or in respect of any matter or thing whatsoever relating to the School.^{Liability of members, etc.}

10. This Act comes into force on the day it receives Royal Assent.^{Commencement}

11. This Act may be cited as *The St. John's School (Elora) Act, 1972*.^{Short title}

CHAPTER 197

**An Act respecting
Sue-Carib Industries Limited**

Assented to April 27th, 1972

Session Prorogued December 15th, 1972

WHEREAS Robert I. Lauter hereby represents that Sue-^{Preamble}
Carib Industries Limited, herein called the Corporation,
was incorporated by letters patent dated the 6th day of
January, 1960; that the Provincial Secretary by order made
under the authority of subsection 2 of section 326 of *The
Corporations Act*, being chapter 71 of the Revised Statutes of
Ontario, 1960, cancelled the letters patent of the Corporation
and declared it to be dissolved on the 26th day of August, 1965;
that Robert I. Lauter was the president and beneficial owner
of all the issued and outstanding shares of the Corporation at
the time of its dissolution; that the notice of default in filing
annual returns required by the said subsection 2 of section 326
of *The Corporations Act* was not received by the applicant; that
the applicant was not aware of the dissolution of the Cor-
poration until more than two years after the date thereof; that
the Corporation at the time of its dissolution was and is
now carrying on the business authorized by its letters patent;
and whereas the applicant hereby applies for special legislation
reviving the Corporation; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Sue-Carib Industries Limited incorporated by letters
patent dated the 6th day of January, 1960 is hereby revived
and is, subject to any rights acquired by any person after its
dissolution, hereby restored to its legal position as a company
incorporated by letters patent, including all its property, rights,
privileges and franchises and subject to all its liabilities, con-
tracts, disabilities and debts as at the date of dissolution in
the same manner and to the same extent as if it had not been
dissolved. Sue-Carib
Industries
Limited
revived

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Sue-Carib Industries Act*, Short title
1972.

CHAPTER 198

An Act respecting the City of Toronto

*Assented to May 16th, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Toronto, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Where The Municipality of Metropolitan Toronto has Contribution
to cost of
pedestrian
walkways
under
Metropolitan
roads
authorized
R.S.O. 1970,
c. 295
entered into an agreement under section 85 of *The Municipality
of Metropolitan Toronto Act*, the Corporation may contribute
to the whole or any part of the cost of the construction and
maintenance of walks for pedestrians over, across or under the
highway under the jurisdiction of The Municipality of Metro-
politan Toronto covered thereby upon such terms and con-
ditions as may be agreed.

2. Notwithstanding an Agreement dated the 20th day of Conveyances
by Art
Gallery
authorized
notwith-
standing
validated
Agreement
January, 1911, between the Art Museum of Toronto and
The Municipal Corporation of the City of Toronto declared
valid and binding by *An Act respecting the City of Toronto*, being
chapter 119 of the Statutes of Ontario, 1911, the Art Gallery
of Ontario may convey, release, quit claim or otherwise
dispose of the lands described as Parts 6 to 14, both inclusive,
according to a plan of survey deposited in the Registry Office
for the Registry Division of Toronto as 63R-357 or any interest
therein to the Corporation and the Corporation may accept
such conveyance, release, quit claim or other disposition free
and clear of any restrictions affecting the use thereof imposed
or created by the said Agreement and the Corporation may
hold such lands or any interest therein for parks or highway
purposes or may dispose of all or any part of such land or
any interest therein to The Municipality of Metropolitan
Toronto for highway purposes or to the Art Gallery of Ontario
for its purposes.

Snow removal
from
sidewalks

3. The Corporation may provide at its expense for the clearing away and removing of snow and ice from the sidewalks on the highways in front of, alongside or at the rear of buildings owned or occupied by any class or classes of persons.

Expenses for
entertaining
guests and
for
travelling
on civic
business
R.S.O. 1970,
c. 284

4. Notwithstanding section 394 of *The Municipal Act*, the council of the Corporation may expend in any one year a sum not exceeding \$100,000 for the purposes set out in the said section.

Commercial
and
administra-
tive facilities
in municipal
parking
facilities
authorized

5.—(1) The council of the Corporation may by by-law provide that any building constructed or to be constructed by the Corporation or The Parking Authority of Toronto as a municipal parking facility may include facilities at basement, street and mezzanine at second floor levels for the use for commercial or administrative purposes of any part or parts thereof not required for the purposes of the Corporation or the Authority and may authorize the Corporation or the Authority to lease such part or parts thereof for commercial or administrative purposes.

Limitations
and
conditions

(2) Any by-law pursuant to subsection 1 may impose such limitations and conditions upon the exercise by the Authority of the powers thereby given as the council of the Corporation deems proper.

Disposition
of proceeds

(3) All moneys obtained from the lease of any portion or portions of buildings under this section shall be paid to the City Treasurer and after payment of expenses incidental thereto shall be deposited in a reserve fund and shall be applied,

- (a) first, for the payment of interest and principal falling due in each year in respect of the acquisition of the lands on or under which such buildings are erected and the erection of such buildings;
- (b) secondly, for the acquisition, laying out or improvement of additional parking lots or facilities and the construction of buildings thereon or thereunder;
- (c) thirdly, for such other purposes as the Ministry of Treasury, Economics and Intergovernmental Affairs may approve.

s. 10,
amended

6. Section 10 of *The City of Toronto Act, 1971*, being chapter 130, is amended by striking out "seventy" in the eleventh line and inserting in lieu thereof "sixty-five".

7. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}

8. This Act may be cited as *The City of Toronto Act, 1972*.^{Short title}

CHAPTER 199

An Act respecting the City of Toronto

*Assented to April 27th, 1972
Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Toronto, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding paragraph 101 of subsection 1 of section Power to
require
agreements
respecting
transmission
poles, wires,
etc.
R.S.O. 1970,
c. 284
354 of *The Municipal Act*, the Corporation may require the
entering into of agreements with the Corporation by any
person or persons for such consideration and upon such terms
and conditions as may be agreed in respect of any or all of the
matters which by the said paragraph the council of the
Corporation may by by-law authorize and regulate.

2.—(1) In this section, Interpre-
tation

- (a) “corporation” means The Corporation of the City of Toronto;
- (b) “inspector” means the person or persons from time to time designated by the council of the corporation to enforce the provisions of a by-law passed under this section;
- (c) “owner” includes the person for the time being managing or receiving the rent of the vacant land in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such vacant land were let or a vendor of such vacant land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or the person for the time being receiving instalments of the purchase price of the vacant land, in connection with which the word is used, sold under an agreement for sale whether on his own account or

as agent or trustee of any other person or who would receive the instalments of the purchase price if such vacant land were sold under an agreement for sale ;

(d) "standards" means the standards for the maintenance and improvement of the physical condition of vacant land prescribed by a by-law passed under this section ;

1936, c. 84

(e) "vacant land" includes any land in the municipality not encompassed in a "dwelling" as defined in section 6 of *The City of Toronto Act, 1936*, nor in "non-residential property" as defined in section 11 of *The City of Toronto Act, 1971*.

1971, c. 130

Authority
to pass
by-laws

(2) The council of the corporation may pass by-laws,

(a) for providing standards for vacant land within the municipality or within any defined area or areas thereof, and for greater certainty standards applicable to vacant land within any defined area or areas may be different from standards applicable to vacant land within any other defined area or areas ;

(b) for requiring the owner of any vacant land to take any action necessary to make the same conform to the standards and for providing that in default of such action being taken, the corporation may take such action at the expense of the owner and may recover such expense by action or in like manner as real property taxes ;

(c) for appointing one or more inspectors and empowering such inspectors to fix the time or times within which any owner of vacant land shall make the same conform to the standards.

Agreements
authorized

(3) The corporation may enter into agreements with owners of vacant land to take, at the expense of such owners, any necessary action to bring any vacant land to the standards and to keep the same in conformity therewith upon such terms and conditions as may be agreed and such agreement may provide that in default of payment such expense may be recovered in like manner as real property taxes.

Power of
inspector
to enter

(4) Where a by-law passed under this section is in effect, any inspector or person acting under his instructions may enter and inspect any vacant land to which the by-law applies.

Enforcement

(5) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under the authority

of *The Municipal Act* and any such by-law may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provisions of such by-law. R.S.O. 1970, c. 284

3.—(1) By-law No. 39-72 of the Corporation, being “A By-law Respecting Fences”, passed on the 1st day of March, 1972, set forth as the Schedule hereto, is hereby validated and confirmed, and may be amended from time to time to such extent as may be approved by the Ontario Municipal Board. By-law No. 39-72, validated

(2) Part XXI of *The Municipal Act* applies to By-law No. 39-72 referred to in subsection 1, and to any amendments thereto. R.S.O. 1970, c. 284, Part XXI applies

4. Subsection 2 of section 3 of *The City of Toronto Act, 1960-61*, being chapter 137, as re-enacted by the Statutes of Ontario, 1971, chapter 130, section 12, is repealed and the following substituted therefor: s. 3 (2), re-enacted

- (2) Before passing a by-law under this section, notice of the intention of the Corporation to pass the same shall be sent by prepaid mail to all persons rated on the last revised assessment roll with respect to land abutting on the highways or parts thereof to be designated as aforesaid at the addresses respectively shown for such persons in such roll. Notice to electors

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The City of Toronto Act, 1972* (No. 2). Short title

SCHEDULE

NO. 39-72 A BY-LAW RESPECTING FENCES

[Passed March 1, 1972]

The Council of the Corporation of the City of Toronto enacts as follows:

1. In this by-law,

- (1) "DIVISION FENCE" shall mean a fence which marks or substantially marks the boundary between adjoining occupied lands.
- (2) "CITY SURVEYOR" shall mean the City Surveyor of the Corporation or such other employee of the Corporation as he may designate to act in his place and stead.
- (3) "LAWFUL FENCE" shall mean:

- (a) A division fence constructed at a height of not more than 5 feet 6 inches above ground elevation in accordance with the following minimum specifications:

(i) MATERIAL:

- a. Posts— $1\frac{3}{4}$ inch outside diameter double galvanized steel pipe—36 inches longer than width of wire.
- b. Fabric—chain link galvanized steel wire, after woven, 60 inch, number 11 gauge in 2 inch diamond shape mesh.
- c. Top rail—double galvanized steel pipe.
- d. Bottom brace—number 6 gauge galvanized steel wire.

(ii) INSTALLATION:

- a. Terminal corner posts to be imbedded 3 feet in concrete.
- b. Line posts to be placed at 10 foot intervals, and driven 3 feet into ground.

- (iii) LINE OF FENCE: the point of contact between the wire and the metal posts shall be on the boundary line between the said adjoining occupied lands.

- (iv) SITING OF POSTS: where the boundary runs in an easterly and westerly direction the posts shall be located on the property to the south of the boundary, and when the boundary runs in a northerly and southerly direction the posts shall be located on the property to the west of the boundary, except in cases where, according to the prevailing customs in the area in which the fence is erected or to be erected, the posts are otherwise located, in which event the posts shall be located in accordance with the prevailing custom in such area;

- (v) GROUND ELEVATION: where the ground elevations are not the same on both sides of the boundary the higher of such elevations shall be considered as grade for purposes of the fence; or
 - (b) a division fence other than a fence described in subsection (3) (a), erected in accordance with specifications agreed upon by the owners of the adjoining lands at the time of the erection thereof, provided that a fence which otherwise complies with this paragraph shall be deemed to have been erected in accordance with specifications agreed upon by the owners of the adjoining lands at the time of the erection thereof where it has been erected for at least five years and further, provided that the height thereof shall be at least 3 feet 6 inches and not more than 5 feet 6 inches and that no part thereof shall be composed of barbed wire or other barbed material; or
 - (c) a division fence conforming to specifications fixed by an award of a Board of Arbitrators under this by-law.
- (4) "OCCUPIED LANDS" shall mean lands which are appurtenant to or used in connection with a building, or which are improved, cultivated, or in actual and apparent possession of any person, but do not include a public street or lane.

2. Subject to Sections 3 and 5, no division fence shall be erected unless the same is a lawful fence, and no repair, alteration or other work shall be made or done thereto which has the effect of altering the height, construction, or line of fence thereof, or changing the ground elevation so that the same is no longer a lawful fence.

3. Nothing herein shall prevent a board of education or other school board from erecting a division fence which is not a lawful fence or from making or doing any repairs, alteration or other work thereto which has the effect of altering the height, construction and line of fence thereof, so that such fence is no longer a lawful fence where such fence marks or substantially marks the boundary between a school yard owned or occupied by a board of education or school board and adjoining occupied lands, provided that the provisions of this By-law imposing any liability or responsibility for erecting, repairing or performing other work in connection with such fence or for paying the whole or any part of the cost thereof, upon the owner of the lands adjoining the school yard shall not apply to such fence.

4. Nothing herein shall prevent the owner of a parking station as defined in By-law No. 20623, as amended from time to time, from erecting a division fence which is not a lawful fence or from making or doing any repairs, alterations or other work thereto which has the effect of altering the height, construction and line of fence thereof, so that such fence is no longer a lawful fence where such fence marks or substantially marks the boundary between a parking station and adjoining occupied lands, provided that the provisions of this by-law imposing any liability or responsibility for erecting, repairing or performing other work in connection with such fence, or for paying the whole or any part of the cost thereof, upon the owner of the lands adjoining the parking station shall not apply to such fence.

5. RETAINING WALLS: In any case where as a result of difference in ground elevation on one side of a boundary between adjoining occupied lands and the other side thereof there is reason to believe that there will be movement or slipping of the soil across the boundary, the owner of the lands at the higher level shall at his own expense erect and maintain upon his own property a retaining wall sufficient to prevent such movement or slipping.

6. MAINTENANCE OR REPLACING FENCES:

- (a) Nothing herein shall prevent the maintenance of a fence during its lifetime if the same was at the time of construction thereof in compliance with all by-laws of the Corporation.
- (b) Where either or both of the owners of adjoining occupied lands desires or desire that a division fence be erected or has or have erected a division fence on the boundary between their lands each of such owners shall erect a just proportion thereof, or shall bear a just proportion of the cost of erection thereof.
- (c) Each of the owners of adjoining occupied lands shall repair, replace or maintain a just proportion of any division fence heretofore or hereafter erected which marks or substantially marks the boundary of their respective properties, or shall bear a just proportion of the cost of any work of repair, replacing or maintenance which has been carried out.

7. REMOVAL OF FENCES: No lawful fence or part thereof shall be taken down or removed unless the owners of the respective adjoining lands agree to such taking down or removal.

8. FENCES BETWEEN OCCUPIED AND UNOCCUPIED LANDS: Where lands which are not occupied become occupied subsequent to the erection of a division fence marking or substantially marking the boundary between the same and adjoining occupied lands, the owner of the lands which became so occupied shall pay to the owner of such adjoining lands as compensation for the fence already constructed his just proportion of the value of the fence in its condition at the time the first mentioned lands became occupied, which sum shall not exceed \$3.50 per foot of such fence, and the owner of the lands which became so occupied shall thereafter repair, replace or maintain a just proportion of such division fence, or bear a just proportion of any work or repair, replacing or maintenance thereof.

9. DISPUTE AS TO COST OF DIVISION FENCE: Where the owners of adjoining lands are unable to agree as to what constitutes a just proportion of the erection, repair, replacing or maintenance of a division fence, or the cost thereof to be borne by each pursuant to paragraphs (b) and (c) of section 6 or section 7 hereof or of the amount to be paid as the just proportion of the value of a fence in its present condition at the time unoccupied lands become occupied, pursuant to section 8, or in the event that such owners are unable to agree to the specifications of a division fence, such matters of dispute shall be settled by a Board of Arbitrators constituted as hereinafter provided in section 10.

10. PROCEDURE FOR SETTLING DISPUTES RESPECTING DIVISION FENCES: The Board of Arbitrators referred to in section 9 shall be constituted and shall proceed as follows:

- (a) If any one of the owners referred to in section 9 notifies the City Surveyor in writing that he requires the dispute to be settled by arbitration, and pays a fee of \$25.00, the City Surveyor shall thereupon notify each of such owners in writing to appoint an arbitrator on his behalf and to notify the City Surveyor of such appointment; provided that where an owner is not the occupant of the property the City Surveyor may so notify the occupant, who shall immediately notify the owner, and if the occupant neglects to do so he shall be liable for all damage caused to the owner by such neglect.
- (b) If any of such owners refuses or neglects to appoint his arbitrator within fourteen days after such notice from the City Surveyor is

sent to him by registered mail at his last known address or so sent to the occupant of the land owned by him, the City Surveyor may proceed, together with any arbitrator that has been appointed by any of the said owners, to settle the dispute.

- (c) The City Surveyor together with the arbitrator or arbitrators (if any) appointed by the owners, shall constitute a Board of Arbitrators for the settlement of such dispute.
- (d) In case of an equal division of opinion between the members of the Board of Arbitrators the decision of the City Surveyor shall prevail and in all other cases the decision of a majority of the said Board shall prevail, and the award shall be made accordingly.

11. DUTIES OF THE BOARD OF ARBITRATION: The Board of Arbitrators shall:

- (a) examine the premises and, if required by either party, hear evidence and may examine the parties or their witnesses on oath;
- (b) make an award in writing signed by any two of them, respecting the matters in dispute, specifying the description of any fence to be made, the time within which the work shall be carried out, the party by whom the work is to be done or who shall arrange for the doing of the work, the proportion of the work to be paid for by each party, the amount to be paid by each or either party for work already done, and the basis upon which the costs of the proceedings shall be paid by each or either party;
- (c) in making the award consider the proportion in which the respective parties will benefit or have benefited from the work and reduce accordingly the amount payable by any party whom the Board considers will not benefit or has not benefited to the same extent as the other party.

12. AWARD OF ARBITRATOR: The City Surveyor shall deposit the award in the office of the City Clerk and shall cause a copy thereof to be sent by registered mail to the last known address of each of the parties.

13. Without limiting any of the provisions of this By-law the provisions of *The Line Fences Act* in respect to enforcement of and appeal from an award made by the fence viewers under the said Act shall *mutatis mutandis* apply to the enforcement of and appeal from an award of a Board of Arbitrators pursuant to this By-law.

14. PAYMENT FOR OR PERFORMANCE OF WORK: Every person required by an award of the Board of Arbitrators or by a decision of a Judge on an appeal from any such award to pay any money or to perform any work, matter or thing shall pay such money or perform the work, matter or thing in compliance with the said award or decision.

15. FENCE ABUTTING PRIVATELY-OWNED PROPERTY AND PUBLIC STREET OR LANE: The City Surveyor may give to the owner of any parcel of land which is not appurtenant to a building or used in connection therewith notice in writing by registered mail requiring that a fence shall be erected on the boundary between such land and any public street or lane on which the same abuts, and upon receipt of such notice the owner shall forthwith carry out the requirements thereof.

16. A fence erected pursuant to section 15 shall:

- (a) if constructed of wire and metal posts be uniform and at least 5 feet in height;

- (b) if constructed of other than wire and metal posts, be sufficient to protect the highway and the public from the creation or continuance of any nuisance or inconvenience as a result of any condition or use of the said lands;
- (c) be constructed so that the same or any part thereof does not encroach over or upon the highway;
- (d) not to be constructed of or have attached thereto any barbed wire or other barbed material, provided that on any land lying within a district designated as a commercial or industrial district under By-law No. 20623 of the Corporation, as amended, or any other restricted area by-law of such Corporation, any portion of the fence at a height of 7 or more feet above the ground may be constructed of or have attached thereto barbed wire or other barbed material;
- (e) be repaired and maintained by the owner to the satisfaction of the City Surveyor.

17. Except as provided in paragraph (d) of section 16, no person shall construct or maintain a fence composed wholly or partly of barbed wire or other barbed material, or having attached thereto any barbed wire or other barbed material.

18. By-law 693 passed October 12, 1932, by the former Corporation of the Village of Forest Hill, Section 16 of Building By-law 1535 passed December 21, 1954, by the former Corporation of the Village of Swansea and By-laws 22693, 135-68, 37-70, and 80-70, passed December 8, 1965, May 8, 1968, January 21, 1970 and March 4, 1970 respectively by the Corporation of the City of Toronto, are hereby repealed.

19. Every person who contravenes any of the provisions of this by-law shall upon conviction thereof forfeit and pay, at the discretion of the convicting judge, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars (\$300.00) for each offence.

20. This By-law shall come into force and effect when the same has been passed by the said Council and has been validated by a statute of the Province of Ontario.

Presiding Officer.

City Clerk.

Council Chamber, Toronto, March, 1972. (L.S.).

CHAPTER 200

An Act respecting The University of Waterloo

Assented to May 26th, 1972
Session Prorogued December 15th, 1972

WHEREAS The University of Waterloo and The Board of Governors, The University of Waterloo, hereby represent that they were incorporated and established under the terms and provisions of *The University of Waterloo Act, 1959*,^{1959, c. 140} which Act has been from time to time amended; that The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo, recognizing the necessity for institutional reform to achieve more fully the objects of the University, this reform to embody the broadening of the bases of membership in the bodies within the University structure, have agreed to broaden the representation on the said governing bodies to include student, staff, faculty and external representation, and have agreed to effect other changes in the University structure; that The University of Waterloo is a party to agreements of affiliation and federation with various colleges and intends herein to continue and to give full force and effect to the terms of such agreements; and whereas The University of Waterloo and The Board of Governors, The University of Waterloo, hereby apply for special legislation to effect such purpose including the repeal of *The University of Waterloo Act, 1959*; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1. In this Act,

- (a) “affiliated college” means a college affiliated with the University;
- (b) “alumni” means the persons who have received degrees from the University or from a university or college federated or affiliated with the University;
- (c) “Board of Governors” means the Board of Governors, University of Waterloo;

- (d) "college" means a school or other institution of higher learning;
- (e) "faculty" means any academic division of the University either so designated by the Board of Governors, or, as determined by the Board of Governors, having status comparable to that of a faculty but being otherwise designated;
- (f) "federated college" means a university or college federated with the University;
- (g) "full-time staff" means those members of staff employed by the University on regular appointments to work the regular time, on a continuing basis, as scheduled by the University for the category in which such persons are employed;
- (h) "full-time student" means a student registered as such by the Registrar of the University either for the payment by the student of full-time fees, or for the claiming by the University of full-time Provincial grants or for such other purposes as shall be determined by the Board of Governors, from time to time;
- (i) "graduate student" means a full-time student or a part-time student registered as such by the Registrar of the University;
- (j) "members of faculty" means those members of personnel employed by the University or employed by a federated or affiliated college, whose duties are basically those of performing and administering the teaching and research functions of the University, or, as the case may be, of a federated or affiliated college, and who are included in the lecturer and professorial ranks;
- (k) "part-time student" means a student other than a full-time student, registered in a course leading to an academic degree;
- (l) "property" includes all property, both real and personal;
- (m) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal and any undivided share thereof and any estate or interest therein;

- (n) "regular members of faculty" means those members of faculty employed by the University, or, as the case may be, employed by a federated or affiliated college, in tenured, probationary term appointments, or, full-time definite term appointments;
- (o) "Senate" means the Senate of the University;
- (p) "staff" means that group of personnel employed by the University other than "members of faculty";
- (q) "student" means all persons who are registered as such by the University;
- (r) "undergraduate student" means a full-time student or a part-time student registered as such by the Registrar of the University;
- (s) "University" means the University of Waterloo;
- (t) "year" means the Board of Governors and Senate membership year, which shall be any twelve-month period established by the Board of Governors, from time to time, save that for the first Board of Governors and the first Senate the membership year shall be from the 1st day of November of the first year to the 30th day of April of the succeeding year.

2.—(1) The corporation, The University of Waterloo, is ^{Corporation continued} hereby continued as a body corporate with perpetual succession under the name "University of Waterloo" and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

(2) Subject to this Act, all by-laws, orders, and regulations ^{By-laws, etc., continued in force} of The University of Waterloo, of The Board of Governors, The University of Waterloo and of the Senate, now in force, shall continue in force until amended or repealed.

3. The objects of the University are the pursuit of learning ^{Objects} through scholarship, teaching and research within a spirit of free enquiry and expression.

4. The University has all powers necessary and incidental ^{General powers} to the satisfaction and furtherance of its objects as a University.

Proceedings
in University
name

5. All proceedings by or against the University may be had and taken in the name of "University of Waterloo".

Power to
deal with
realty and
personalty
R.S.O. 1970,
c. 225

6. The University has, in addition to the powers, rights, and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate and property in addition thereto, or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

PROPERTY

Trust
property
vested in
University

7. All property hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the University or any faculty, school or department of the University, subject to any trusts affecting the same, shall be vested in the University.

Application
of statute of
limitations

8. All property vested in the University, so far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Investment
of funds

9. The funds of the University not immediately required for its purposes and the proceeds of all property which comes to the hands of the Board of Governors, subject to any trusts affecting the same, may be invested and reinvested in such investments as the Board of Governors shall deem suitable.

BOARD OF GOVERNORS

Board of
Governors

10. The corporation, The Board of Governors, The University of Waterloo, is hereby continued as a body corporate with perpetual succession under the name "Board of Governors, University of Waterloo".

Composition
of Board of
Governors

11. The Board of Governors shall consist of thirty-six members, each of whom shall be a Canadian citizen and each of whom shall have voting rights, such membership to be made up as follows:

1. The President of the University, the Chancellor of the University, the Mayor of the City of Waterloo,

the Mayor of the City of Kitchener, and the Warden of Waterloo County, who shall be *ex-officio* members.

2. Seven members to be appointed by the Lieutenant Governor in Council.
3. Seven members to be appointed by the Senate from among the members of faculty of the Senate.
4. Five members, two of whom shall be graduate students, to be appointed by the Senate from among the student members of the Senate.
5. Two members of the full-time staff to be elected by the full-time staff members of the University in such manner and in accordance with such procedures as shall be determined and established by the said Board of Governors.
6. Ten members from the community-at-large, at least three of whom shall be alumni, to be elected by the Board of Governors in such manner and in accordance with such procedures as shall be determined and established by the said Board of Governors, provided that such members shall represent a broad spectrum of the community, and provided further that such members shall not be members of faculty, or members of the staff or student body of the University or of any federated or affiliated college, or members of the faculty, staff, student body or governing body of any other Ontario university.

TERM OF OFFICE

12. The term of membership of the members of the Board ^{Term of office} of Governors shall be as follows:

1. The members of faculty referred to in paragraph 3 of section 11 and the student members referred to in paragraph 4 of section 11 shall hold office for a period of two years, save that with respect to such members to be first appointed and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practicable, a number thereof who shall serve for a period of one year and a number thereof who shall serve for a period of two years.

2. All other non *ex-officio* members shall hold office for a period of three years save that with respect to such members to be first elected or appointed and in order to effect approximately equal annual rotation of office, the Board of Governors shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practicable, a number thereof who shall serve for a period of one year, a number thereof who shall serve for a period of two years, and a number thereof who shall serve for a period of three years.

CHAIRMAN OF BOARD OF GOVERNORS

Chairman
and vice-
chairman

13.—(1) The Board of Governors shall elect from among the community-at-large members thereof, a chairman and a vice-chairman and, in the event of the absence or illness of the chairman, or, in the event of a temporary vacancy of that office, the vice-chairman shall act as and have all the powers of the chairman.

Absence

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board of Governors may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

Term of
office

(3) The term of office of the chairman and of the vice-chairman shall be three years, provided that each of them shall be eligible for re-election for one additional term.

POWERS OF THE BOARD OF GOVERNORS

Powers of the
Board of
Governors

14.—(1) The government of the University and the control of its property and revenues, the conduct of its business and affairs, save with respect to such matters as are assigned by this Act to the Senate, shall be vested in the Board of Governors and the Board of Governors shall have all powers necessary or convenient to perform its duties and to achieve the objects of the University, and without intending to restrict the generality of the foregoing, this shall include the power,

- (a) to appoint, promote and remove the President and all other officers of the University, heads and associate heads of the faculties, or of any other academic unit, the members of faculty, or staff of the University, and all other agents and servants of the University;

- (b) to grant tenure to the members of faculty, and to terminate tenure;
- (c) to plan and implement the physical and operational development of the University and to exercise all the powers to control and achieve a planned rate and scope of such development;
- (d) to borrow money for the purpose of the University and to give security therefor on such terms and in such amounts as the said Board of Governors may consider advisable, or as from time to time may be required;
- (e) to regulate the conduct of the students, faculty and staff, and of all other persons coming upon and using the lands and premises of the University;
- (f) to establish and collect fees and charges for academic tuition and for services of any kind which may be offered by the University and to collect such fees and charges, approved by the Board of Governors, on behalf of any entity, organization, or element of the University;
- (g) to levy and enforce penalties and fines, suspend or expel from student membership or from employment with the University or deny access to the lands and premises of the University;
- (h) to establish and enforce rules and regulations with regard to the use and occupancy of its buildings and grounds or other operations;
- (i) to enter into agreements for the federation or affiliation of the University with any university or college of higher learning;
- (j) to provide for the appointment and discharge of committees and for the delegation to and the conferring upon any such committees, authority to act for the Board of Governors with respect to any matter; and
- (k) to enact by-laws and regulations for the conduct of its affairs.

University
non-
denomina-
tional

(2) In order to maintain a non-denominational University, no more than two colleges of the same denominational control shall be affiliated or federated with the University.

Approval re
federation or
affiliation

(3) No college affiliated or federated with the University shall be affiliated with any other college, school or institute of higher learning without the approval of the Board of Governors.

Idem

(4) Any agreement entered into by the University for federation or affiliation with a college shall be subject to the approval of the governing body of each institute then federated or affiliated with the University, which approval shall not be unreasonably withheld.

Quorum

15. The quorum of the Board of Governors, to be designated by by-law of the said Board, shall consist of not fewer than twelve members, at least one-half of whom shall consist of community-at-large members of the said Board elected under paragraph 6 of section 11 and members of the said Board appointed by the Lieutenant Governor in Council under paragraph 2 of section 11 and at least one-half of whom shall consist of other elected or appointed members of the Board.

Conduct
responsibility
of federated
and affiliated
colleges

16. The governing bodies of the federated and affiliated colleges shall, respectively, have jurisdiction over, and entire responsibility for, the regulation of the conduct of all persons in respect of all matters arising or occurring in, or upon, their respective buildings and grounds.

Determina-
tion of
disputes

17. The Board of Governors shall determine the proper body within the University to exercise jurisdiction in any matter of discipline that may arise wherein there is a question as to the proper body under which it should come, and the decision of the Board of Governors in such matters shall be final.

SENATE

Senate

18. There shall be a Senate of the University composed as follows:

(a) The following *ex-officio* members:

1. The Chancellor.

2. The President.

3. The Vice-President, Academic, and the Vice-President, Finance and Operations.

4. The Dean of each faculty of the University and the Dean of Graduate Studies.
 5. The Librarian of the University.
 6. The Registrar of the University.
 7. The principal or head of each federated or affiliated college.
 8. The chairman of the Board of Governors.
 9. Such other *ex-officio* members as the Senate by by-law may, from time to time, designate.
- (b) The following elected members who shall be elected in such manner and in accordance with such procedures as are determined and established by the Senate:
1. Three members of the Board of Governors other than the chairman thereof, such members to be elected from the community-at-large members of the Board of Governors.
 2. Members of faculty equal in number to one more than the total number of all other members of the Senate, provided that,
 - (i) three members of faculty shall be elected from each faculty of the University, provided that such minimum number to be elected from each faculty may by by-law be increased from time to time by the Senate,
 - (ii) three members of faculty shall be elected from each of the federated colleges and one member of faculty shall be elected from each of the affiliated colleges, and
 - (iii) the remaining members of faculty to be elected shall be elected from the members of faculty of the University.
 3. One undergraduate student from each faculty of the University.
 4. Three graduate students, who shall not be members of faculty or members of the full-

time staff of the University or of any federated or affiliated college.

5. Three members from the alumni of the University, who shall not be members of faculty or members of the staff or members of the student body of the University.
- (c) Upon the designation and addition, from time to time, by the Senate, under paragraph 9 of clause *a*, of any additional *ex-officio* members, the number of persons to be elected under paragraphs 1, 4 and 5 of clause *b* and the total of the number of persons to be elected under paragraph 3 of the said clause shall each be deemed to be increased by whatever number may be necessary in order to retain the ratio established by the said clause *b*, of the number of persons to be elected pursuant to each of the paragraphs 1, 3, 4 and 5 of the said clause *b* to the number of members of faculty to be elected pursuant to paragraph 2 thereof, provided that the additional undergraduate students to be elected in accordance with paragraph 3 shall be elected from the undergraduate students generally of the University in such manner and in accordance with such procedures as are determined and established by the Senate.

CHAIRMAN OF THE SENATE

Chairman of
the Senate

19. The President of the University shall be chairman of the Senate, and the Vice-President, Academic, shall be the vice-chairman thereof.

TERM OF OFFICE OF SENATE MEMBERS

Term of
Office

20. The term of membership of the members of the Senate shall be as follows:

1. The undergraduate student and graduate student members respectively referred to in paragraphs 3 and 4 of clause *b* of section 18 shall hold office for a period of two years, save that with respect to such members to be first elected and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practical, a number thereof who shall serve for a period of one year and a number thereof who shall serve for a period of two years.

2. All other non *ex-officio* members shall hold office for a period of three years save that with respect to such members first elected and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, so far as is reasonably practical, a number thereof who shall serve for a period of one year, a number who shall serve for a period of two years and a number who shall serve for a period of three years.

21. No person shall be eligible for election or appointment ^{Eligibility of members} as a member of the Senate who is a member of the faculty or a member of the governing body or of the Senate of any degree-granting university, college or institution of higher learning, other than the University and its federated or affiliated colleges, unless such person is a regular member of faculty.

POWERS OF THE SENATE

22. The Senate has the power to establish the educational ^{Powers of the Senate} policies of the University and to make recommendations to the Board of Governors with respect to any matter relative to the operation of the University and without restricting the generality of the foregoing, this includes the power,

- (a) to make recommendations to the Board of Governors relative to the creation, establishment, maintenance, modification, or removal of organizational structures such as faculties, schools, institutes, departments or chairs within the University;
- (b) subject to the approval of the Board of Governors, in so far as the expenditure of funds is concerned, to establish, maintain, modify or remove, curricula of all courses of instruction including extension courses;
- (c) to determine policies concerning the qualifications of faculty members within the University with respect to appointments or promotions in rank, or to the granting of tenure, in connection with research or teaching or academic administration;
- (d) to determine standards of admission of students to the University;
- (e) to consider and determine the conduct and results of examinations in all faculties or academic units;

- (f) to hear and determine appeals from the decisions of the faculty councils on applications and examinations by students;
- (g) to confer degrees, diplomas and certificates or other awards in any and all branches of learning and in any subject taught in the University or its federated or affiliated colleges;
- (h) to confer honorary degrees in Divinity, without fees, upon the recommendation of any theological college federated or affiliated with the University;
- (i) to confer honorary degrees in any department of learning;
- (j) to undertake, consider and co-ordinate long-range academic planning;
- (k) to consider and to recommend to the Board of Governors policies concerning the internal allocation or use of University resources;
- (l) to consider and to recommend to the Board of Governors the federation or affiliation of the University with any college for teaching any branch of learning;
- (m) to create councils and committees to exercise its powers;
- (n) to provide, if considered necessary, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate; and
- (o) to enact by-laws and regulations for the conduct of its affairs.

RE-ELECTION TO AND TERM OF MEMBERSHIP ON BOARD OF GOVERNORS AND SENATE

Re-election
or re-
appointment

23. Members of the Board of Governors and of the Senate shall be eligible for re-election or reappointment, as the case may be, save that an elected or appointed member shall serve for no more than two consecutive terms, provided that any such elected or appointed member shall be again eligible for election or appointment after the expiration of one year following the completion of two consecutive terms, and provided further that there shall be no limitation with respect to the

term of service on the Board of Governors and on the Senate of any *ex-officio* member thereof.

24.—(1) If, within any year, a member of the Board of Governors or of the Senate, not having been granted permission to be absent by such body, attends less than 50 per cent of the regular meetings of such body, his office shall *ipso facto* be vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant. ^{Absence from meetings}

(2) A resolution passed under this section and entered in the minutes of the pertinent meeting of the Board of Governors or of the Senate, as the case may be, shall be conclusive evidence of the vacancy declared therein.

25. If within any year, any event occurs which would make any member of the Board of Governors or of the Senate, as the case may be, ineligible by reason of the occurrence of such event to be elected to such body, his membership on such body shall be *ipso facto* vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant, save that a student member of the Board of Governors or of the Senate, as the case may be, who graduates during his term of office shall be entitled to serve for the remainder of such year. ^{Membership vacated}

26. Where a vacancy on the Board of Governors or on the Senate, as the case may be, occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. ^{Filling vacancies}

MEETINGS AND BY-LAWS

27.—(1) Subject to subsection 2, the meetings, including committee meetings of the Board of Governors and of the Senate shall be open to the public, prior notice of the meetings of the Board of Governors and of the Senate shall be given to the members and to the public in such manner as the Board of Governors and the Senate by by-law shall determine, and no person shall be excluded therefrom except for improper conduct, but where confidential financial matters of the University are being considered that part of the meeting may be held *in camera*. ^{Meetings of Board of Governors and Senate open to public}

Exception (2) Where intimate financial or personal matters of any person may be disclosed at a meeting the part of the meeting concerning such person shall be held *in camera* unless such person requests that such part of the meeting be open to the public.

Examination of by-laws **28.**—(1) The by-laws of the Board of Governors and of the Senate shall be open to examination by members of the University community and by the public-at-large during normal business hours.

Publication of by-laws (2) The Board of Governors and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

PRESIDENT

President **29.**—(1) There shall be a President of the University.

Appointment (2) The President shall be appointed by the Board of Governors in such manner and for such term or terms as shall be determined, from time to time, by agreement of the Board of Governors and the Senate.

Powers of President (3) The President shall be the chief executive officer of the University, and without limiting the generality of the foregoing, the President shall have the authority and responsibility for administering the affairs of the University and accordingly shall act on behalf of the Board of Governors with respect to the operational management and control of the University.

Delegation of authority (4) The President is hereby empowered to delegate his authority, during the period of any temporary absence, to any other officer of the University, provided that, in the absence of such delegation of authority, the senior Vice-President as designated from time to time by the Board of Governors shall have the authority to act in the place and stead of the President and in the absence of such designation, the Vice-President, Academic, shall be deemed to be the senior Vice-President.

(5) The Board of Governors may, in the absence of the President and shall in the event of a vacancy in the office of President, appoint an acting President upon such terms and conditions as the Board of Governors may prescribe.

CHANCELLOR AND VICE-CHANCELLOR

30.—(1) There shall be a Chancellor of the University who shall be elected by the Senate in such manner as the Senate shall determine. Chancellor,
election of

(2) The term of office of the Chancellor shall be three years, provided that he shall be eligible for re-election for one additional term. Term of
office

(3) The Chancellor shall preside at all Convocations and shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be designated by the Senate. Duties

(4) The President of the University shall be the Vice-Chancellor thereof and shall assume the duties of the Chancellor in his absence or during a temporary vacancy of that office. Vice-
Chancellor

(5) Notwithstanding anything in this section contained, the incumbent Chancellor of The University of Waterloo, as of the date that this Act comes into force, shall continue as Chancellor of the University until such time as his successor shall be elected by the Senate, provided that such election shall be held within three years of the date that this Act comes into force. Incumbent
Chancellor

AUDITORS

31. The Board of Governors shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board of Governors at least once a year. Audit of
accounts
R.S.O. 1970,
c. 373

ANNUAL FINANCIAL REPORT

32.—(1) The Board of Governors shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. Annual
financial
report

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Tabling

ANNUAL REPORT

33. The Board of Governors shall make available to students, faculty and staff of the University an annual report which shall include an annual financial report. Annual
report

GENERAL

Agreements
of affiliation
and
federation to
continue

34. This Act shall not be deemed to alter, modify or affect the rights and obligations of the University or of any affiliated or federated college arising out of the terms of agreements of affiliation or federation presently existing between the University and such affiliated and federated colleges.

Degree-
granting
powers to
remain
dormant

35. If any college, federated or affiliated with the University, has the right to grant degrees, such right, except for degrees in theology, shall remain dormant during the time that such college remains federated or affiliated with the University.

First
election
and appoint-
ment of
Board of
Governors
and Senate

36.—(1) Notwithstanding anything in this Act, for the purpose of permitting the election or appointment, as the case may be, prior to the 1st day of November, 1972, of the members of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act, The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo are hereby respectively authorized and empowered forthwith after this Act receives Royal Assent to act in the place and stead of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act to do all things necessary as expressed in, or implied by or contemplated by or required by reason of this Act to form and constitute the first such Board of Governors and Senate, and without restricting the generality of the foregoing, The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo, are hereby respectively authorized and empowered to pass such by-laws, make such findings, establish such election procedures, arrange for the carrying out of such elections and to hold and carry out such elections as may be necessary for the formation and constitution of the said first Board of Governors and Senate.

First
meeting

(2) The Board of Governors, The University of Waterloo, and the Senate of The University of Waterloo, are respectively hereby authorized and empowered to arrange for and call, after completion of the election and appointment of the members of the first Board of Governors and first Senate to be established and constituted under the terms and provisions of this Act, the first meeting of the Board of Governors and the first meeting of the Senate, such meetings to be held on or after the 1st day of November, 1972, the members of the said Board of Governors and the members of the said Senate to be given such notice of the said meetings as shall be deemed reasonable.

(3) The term of office of the members of the first Board of Governors and of the first Senate, notwithstanding the matters hereinbefore set out, shall be deemed to run from the 1st day of May, 1972.

Term of
office to
run from
May 1, 1972

37. The following are repealed:

Repeals

- | | |
|--|--------------------------|
| 1. <i>The University of Waterloo Act, 1959.</i> | 1959 Act,
repealed |
| 2. <i>The University of Waterloo Act, 1960-61.</i> | 1960-61 Act
repealed |
| 3. <i>The University of Waterloo Act, 1962-63.</i> | 1962-63 Act,
repealed |

38. This Act comes into force on the 1st day of November, 1972.

Commence-
ment

39. This Act may be cited as *The University of Waterloo Act, 1972.*

Short title

CHAPTER 201

An Act respecting the City of Vanier*Assented to April 27th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Vanier hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Council of The Regional Municipality of Ottawa-Carleton, when required by by-law or resolution of the council of The Corporation of the City of Vanier, shall pass ^{Debenture by-law to be passed by Regional Municipality of Ottawa-Carleton} by-laws, without obtaining the approval of the Ontario Municipal Board and without the recital of Municipal Board approval therein, to borrow the sum of \$165,000, upon debentures made payable in not more than ten years, to defray the cost of the purchase of that certain parcel or tract of land and premises situate, lying and being in the City of Vanier, in The Regional Municipality of Ottawa-Carleton, being composed of lots 26, 27, 28, 29 and 30 as shown on a plan of subdivision filed in the Registry Division of Carleton as Number 75, which parcel or tract of land and premises have been purchased by The Corporation of the City of Vanier for municipal purposes, and the by-laws when duly passed shall be legal, valid and binding upon The Regional Municipality of Ottawa-Carleton and the debt or debts thereby created and all debentures issued under such by-law or by-laws shall be direct, joint and several obligations of The Regional Municipality of Ottawa-Carleton and the sixteen area municipalities constituting The Regional Municipality of Ottawa-Carleton and shall be repaid by levies against the City of Vanier.

2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

3. This Act may be cited as *The City of Vanier Act, 1972*. ^{Short title}

CHAPTER 202

An Act respecting the County of Victoria*Assented to May 4th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the County of Victoria ^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,**Interpre-
tation**

- (a) “council” means the council of the County;
- (b) “County” means The Corporation of the County of Victoria;
- (c) “local municipality” means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) “municipal electors” means the persons entitled to vote at a municipal election;
- (e) “vote” or “votes” means the vote or votes of a member of the council.

2.—(1) Notwithstanding subsections 1 and 2 of section 27 of *The Municipal Act*, membership on the council and the votes of such members shall be as follows:

**County
council:
composition
of and
votes on
R.S.O. 1970,
c. 284**

- 1. Where a local municipality has less than 2,500 municipal electors, the reeve only shall be a member of council and shall have one vote.
- 2. Where a local municipality has not less than 2,500 and not more than 5,000 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have one vote.

3. Where a local municipality has more than 5,000 but not more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have two votes.

Application (2) Subsection 1 applies with respect to the composition of and votes on the council for the year 1973 and subsequent years.

Application of R.S.O. 1970, c. 284 **3.** Subsection 2 of section 34 and section 202 of *The Municipal Act* apply *mutatis mutandis*.

Commence-ment **4.** This Act comes into force on the day it receives Royal Assent.

Short title **5.** This Act may be cited as *The County of Victoria Act, 1972*.

CHAPTER 203

An Act respecting the City of Waterloo*Assented to April 27th, 1972**Session Prorogued December 15th, 1972*

WHEREAS by section 2 of *The City of Waterloo Act, 1964* Preamble 1964, c. 149
the Community Services Board was established; and
whereas the council of The Corporation of the City of Waterloo
deems it to be in the best interests of its citizens that the
functions of the Community Services Board be placed under
the control of the council of The Corporation of the City of
Waterloo as a department of the said City and hereby applies
for special legislation for such purpose; and whereas it is
expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Community Services Board, established under
section 2 of *The City of Waterloo Act, 1964*, is hereby dis-
solved and all of its assets and liabilities become the assets and
liabilities of The Corporation of the City of Waterloo, without
compensation. Board dissolved; assets vested in City

2.—(1) The council of The Corporation of the City of
Waterloo shall be deemed to be a recreation committee under
The Department of Education Act, a board of a community
centre under *The Community Centres Act* and a board of
parks management under *The Public Parks Act*. Council deemed committee, etc. R.S.O. 1970, cc. 111, 73, 384

(2) All of the powers that were vested in the commission
authorized to manage the Civic Auditorium under *The Town of*
Waterloo Act, 1939 are hereby vested in the council of The
Corporation of the City of Waterloo. Powers vested in council 1939, c. 77

3. On the dissolution of the Community Services Board,
the employees thereof become the employees of The Corporation
of the City of Waterloo and all terms and conditions affecting
seniority, remuneration and other benefits in force with respect
to such employees shall be assumed by the said City. Employees of Board become employees of City

1939 Act,
amended

4.—(1) Section 2 of *The Town of Waterloo Act, 1939*, being chapter 77, as amended by the Statutes of Ontario, 1958, chapter 163, section 1, is repealed.

1964 Act,
repealed

(2) *The City of Waterloo Act, 1964*, being chapter 149, is repealed.

Commence-
ment

5. This Act comes into force on the 1st day of July, 1972.

Short title

6. This Act may be cited as *The City of Waterloo Act, 1972*.

CHAPTER 204

An Act respecting the City of Windsor*Assented to May 4th, 1972**Session Prorogued December 15th, 1972*

WHEREAS The Corporation of the City of Windsor, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas
it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) In this section,

Interpre-
tation

- (a) “building” includes any building, part of a building
or structure and the contents thereof with the land
and premises appurtenant thereto, and all outbuild-
ings, fences or erections thereon or therein;
- (b) “Building Commissioner” means the Building Com-
missioner of the Corporation.

(2) The council of the Corporation may, by by-law, passed Order for
demolition
of building
at any general meeting thereof by a vote of three-fourths of all
the members of council, order the removal or demolition of a
building that is in a ruinous or dilapidated state and has not
been occupied for industrial, commercial or residential pur-
poses for a period of two years.

(3) Notice of the said by-law shall be registered in the Notice of
by-law
Registry Office for the Registry Division of Essex (No. 12) and
notice shall thereafter be served upon the owner, the mortgagee
and any other encumbrancer appearing on the registered title
and upon any execution creditor appearing on the records
of the sheriff's office.

(4) The owner, mortgagee, encumbrancer or execution Appeal
creditor has the right to appeal to the county judge of the
county court of the County of Essex from the decision of
council to remove or demolish the building by written notice
of appeal delivered to the clerk of the Corporation within
thirty days after the date of service of notice of the by-law.

Contents
of notice

(5) The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of
Building
Com-
missioner
to carry
out order

(6) Unless notice of an appeal is received by the clerk of the Corporation within the time stated in subsection 4, the decision of the council of the Corporation to remove or demolish the building may be carried out forthwith by the Building Commissioner on behalf of the Corporation, and for this purpose, the Corporation with its servants and agents may, from time to time, enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

(7) The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the building and the certificate of the clerk of the Corporation as to the amount so expended is final and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

Hearing
of appeal

(8) If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Essex and shall give notice thereof by such means and to such persons as the judge may require.

Powers
of judge

(9) After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the building, or the judge may make such other order as he considers advisable under the circumstances.

Expedition
procedure
authorized
for offences,
police com-
mission
by-laws

2. Notwithstanding any general Act, The Board of Commissioners of Police for the City of Windsor may pass by-laws for providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a provision of any by-law of The Board of Commissioners of Police for the City of Windsor passed for any of the purposes mentioned in sections 377 and 378 or sections 381 to 386 of *The Municipal Act*, or section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, or predecessors of those sections, has been contravened, and if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies, *mutatis mutandis*, provided that, a fine imposed for a contravention of a by-law passed under section 7 of *The Dog Licensing and Live Stock and Poultry*

R.S.O. 1970,
cc. 284, 133

Protection Act, or a predecessor of that section, shall not exceed \$50, exclusive of costs.

3. Notwithstanding any general Act, the council of the Corporation may pass by-laws for providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a provision of any by-law of the Corporation passed for any of the purposes mentioned in paragraph 53, 55, 56 or 77 of section 352, paragraph 1, 2, 3, 5, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 45, 46, 60, 64, 65, 69, 70, 74, 76, 85, 86, 87, 91, 103, 104, 105, 108, 110, 111, 114, 115, 116, 117, 118, 119, 120, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136 or 139 of subsection 1 of section 354, sections 355, and 356, paragraph 12 of section 363, paragraph 1 or 3 of section 368, paragraph 1 of section 369, paragraph 1 of section 372, paragraph 1 of section 380, paragraph 1, 2, 3, 4, 5 or 6 of section 460 of *The Municipal Act*, sections 5 and 7 of *The Dog Licensing and Live Stock and Poultry Protection Act* and paragraph 3 or 4 of section 3 of *The City of Windsor Act, 1971*, or predecessors of those paragraphs and sections, has been contravened, and if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* shall apply, *mutatis mutandis*, provided that, a fine imposed for a contravention of a by-law passed under sections 5 and 7 of *The Dog Licensing and Live Stock and Poultry Protection Act* or paragraph 4 of section 3 of *The City of Windsor Act, 1971*, or a predecessor of that section or paragraph, shall not exceed \$50, exclusive of costs.

council
by-laws

R.S.O. 1970,
cc. 284, 133,
1971, c. 133

4.—(1) In this section, “drainage works” and “construction” mean drainage works and construction as defined in *The Drainage Act*.

Interpre-
tation
R.S.O. 1970,
c. 136

(2) Where drainage works have been constructed in the City of Windsor in accordance with the provisions of *The Drainage Act* or of any predecessor of *The Drainage Act*, the council of the Corporation may by by-law provide that the repair, improvement, extension or alteration of the whole or any part of such drainage works may be carried out from time to time in accordance with the provisions of either *The Municipal Act* or of *The Drainage Act*.

Repair,
improvement,
extension or
alteration of
drainage
works

R.S.O. 1970,
cc. 284, 136

5. Subsection 1 of section 12 of *The City of Windsor Act*, 1946, being chapter 145, is amended by striking out “either from the monies appropriated by the Council or” in the tenth and eleventh lines, so that the subsection shall read as follows:

s. 12 (1),
amended

- (1) The Board of Governors shall have control over, and the custody of all property, both real and personal, belonging to or used in connection with the hospital

Board of
Governors,
powers and
duties

and may from time to time purchase supplies, engage and pay officers, servants and workmen and make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for the purposes of the hospital, but no such purchase of supplies, contract, agreement or expenditure shall be made or entered into unless funds shall be available for such purpose from the proceeds of any grants, gifts, devises or other assets of the Board.

1946 Act,
amended

6. Sections 14 and 15 of *The City of Windsor Act, 1946*, being chapter 145, are repealed.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The City of Windsor Act, 1972*.

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<i>amended</i>	436/71	Oct. 30/71
<i>amended</i>	146/72	April 15/72
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<i>amended</i>	150/71		May 1/71
<i>amended</i>	162/71		May 8/71
<i>amended</i>	365/71		Sept. 18/71
<i>amended</i>	420/71		Oct. 9/71
<i>amended</i>	421/71		Oct. 9/71
<i>amended</i>	439/71		Oct. 30/71
<i>amended</i>	504/71		Dec. 18/71
<i>amended</i>	32/72		Feb. 19/72
<i>amended</i>	33/72		Feb. 19/72
<i>amended</i>	74/72		Mar. 4/72
<i>amended</i>	144/72		April 15/72
<i>amended</i>	233/72		May 27/72
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<i>amended</i>	70/71		Feb. 20/71
<i>amended</i>	81/71		Feb. 27/71
<i>amended</i>	157/71		May 1/71

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<i>amended</i>	165/71	May 8/71
<i>amended</i>	194/71	May 29/71
<i>amended</i>	238/71	June 19/71
<i>amended</i>	275/71	July 10/71
<i>amended</i>	406/71	Oct. 2/71
<i>amended</i>	477/71	Nov. 27/71
<i>amended</i>	46/72	Feb. 19/72
<i>amended</i>	128/72	April 1/72
<i>amended</i>	174/72	April 29/72
<i>amended</i>	263/72	June 17/72
<i>amended</i>	293/72	July 1/72
<i>amended</i>	341/72	July 22/72
<i>amended</i>	477/72	Oct. 7/72
<i>amended</i>	549/72	Dec. 2/72
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<i>amended</i>	403/71	Oct. 2/71
<i>amended</i>	47/72	Feb. 19/72
<i>amended</i>	375/72	Aug. 12/72
<i>amended</i>	511/72	Nov. 4/72
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<i>amended</i>	572/72	Dec. 30/72
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<i>amended</i>	82/72	Mar. 4/72
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<i>amended</i>	53/71	Feb. 13/71
<i>amended</i>	80/71	Feb. 27/71
<i>amended</i>	404/71	Oct. 2/71
<i>amended</i>	49/72	Feb. 19/72

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<i>amended</i>	182 /71	May 22 /71
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<i>amended</i>	316 /71	Aug. 7 /71
<i>amended</i>	337 /71	Aug. 21 /71
<i>amended</i>	524 /71	Jan. 2 /72
<i>amended</i>	160 /72	April 22 /72
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<i>amended</i>	195/72	May 13/72
<i>amended</i>	474/72	Sept. 30/72
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<i>amended</i>	123/71	April 10/71
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<i>amended</i>	470/71	Nov. 27/71
<i>amended</i>	357/72	Aug. 5/72

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V			
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<i>amended</i>	3/71	Jan. 16/71
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<i>amended</i>	243/72	June 3/72
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General	821
<i>amended</i>	255/71	July 3/71
<i>amended</i>	388/71	Sept. 25/71
<i>amended</i>	435/71	Oct. 23/71
<i>amended</i>	495/71	Dec. 11/71
<i>amended</i>	62/72	Feb. 26/72
<i>amended</i>	118/72	Mar. 25/72
<i>amended</i>	167/72	April 22/72
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<i>amended</i>	554/72	Dec. 9/72
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PART II

Showing the Regulations contained in Revised Regulations of Ontario, 1970 and subsequent Regulations filed to the 31st day of December, 1972, that have been revoked, are revoking only or have expired.

R.R.O. 1970 Regulations	Disposition	R.R.O. 1970 Regulations	Disposition
10	Rev. 183 /72	446	Rev. 323 /72
27	Rev. 371 /71	447	Rev. 124 /72
28	Rev. 165 /72	448	Rev. 367 /71
40	Rev. 268 /71	451	Rev. 558 /72
42	Rev. 293 /72	452	Rev. 559 /72
58	Rev. 423 /72	453	Rev. 259 /72
59	Rev. 411 /72	454	Rev. 259 /72
60	Rev. 268 /71	482	Rev. 106 /71
61	Rev. 370 /72	519	Rev. 318 /71
67	Rev. 476 /72	540	Rev. 13 /72
91	Rev. 21 /71	542	Rev. 219 /71
99	Rev. 273 /72	543	Rev. 526 /71
101	Rev. 460 /72	550	Rev. 473 /71
106	Rev. 273 /72	565	Rev. 498 /71
116	Rev. 224 /71	581	Rev. 394 /72
117	Rev. 108 /71	603	Rev. 546 /71
122	Rev. 272 /72	610	Rev. 465 /71
124	Rev. 37 /71	615	Rev. 451 /71
145	Rev. 187 /72	622	Rev. 508 /72
146	Rev. 187 /72	655	Rev. 207 /72
149	Rev. 319 /72	664	Rev. 68 /71
157	Rev. 320 /72	665	Rev. 69 /71
164	Rev. 397 /71	676	Rev. 568 /72
192	Rev. 517 /71	707	Rev. 429 /72
195	Rev. 510 /72	716	Rev. 113 /71
197	Rev. 392 /71	730	Rev. 349 /71
203	Rev. 457 /71	731	Rev. 293 /71
206	Rev. 517 /71	736	Rev. 437 /71
209	Rev. 205 /71	747	Rev. 349 /71
212	Rev. 246 /72	748	Rev. 339 /72
219	Rev. 390 /72	750	Exp.
222	Rev. 190 /71	751	Exp.
237	Rev. 197 /71	752	Exp.
252	Rev. 45 /72	753	Exp.
253	Rev. 298 /72	754	Rev. 274 /71
258	Rev. 134 /72	755	Exp.
282	Rev. 298 /72	773	Rev. 368 /71
299	Rev. 430 /71	776	Rev. 156 /72
315	Rev. 593 /72	758	Exp.
316	Rev. 594 /72	782	Rev. 86 /72
374	Rev. 387 /72	783	Rev. 243 /71
376	Rev. 181 /71	805	Rev. 376 /71
388	Rev. 123 /72	818	Rev. 98 /71
443	Rev. 323 /72	833	Rev. 6 /71
444	Rev. 323 /72		

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4/71	Rev. 37/72	347/71	Exp.
8/71	Revkg.	351/71	Rev. 159/72
13/71	Rev. 158/72	352/71	Rev. 360/71
14/71	Rev. 598/72	358/71	Rev. 360/71
34/71	Rev. 17/72	360/71	Revkg.
35/71	Rev. 452/72	381/71	Rev. 498/71
46/71	Rev. 594/72	408/71	Rev. 323/72
48/71	Rev. 103/71	414/71	Exp.
50/71	Rev. 429/71	415/71	Exp.
54/71	Rev. 94/72	416/71	Exp.
55/71	Rev. 76/72	418/71	Rev. 388/72
56/71	Rev. 452/72	430/71	Revkg.
60/71	Rev. 323/72	434/71	Rev. 123/72
64/71	Rev. 568/72	451/71	Rev. 237/72
65/71	Rev. 158/72	452/71	Rev. 323/72
66/71	Rev. 159/72	457/71	Revkg.
83/71	Exp.	459/71	Rev. 15/72
88/71	Rev. 431/72	462/71	Rev. 505/71
103/71	Rev. 543/71	463/71	Rev. 506/71
105/71	Rev. 420/71	464/71	Exp.
109/71	Rev. 94/72	468/71	Rev. 267/72
132/71	Rev. 94/72	476/71	Exp.
147/71	Exp.	481/71	Rev. 464/72
158/71	Rev. 463/72	498/71	Rev. 568/72
165/71	Rev. 128/72	505/71	Rev. 536/71
173/71	Exp.	506/71	Rev. 537/71
183/71	Rev. 187/72	511/71	Rev. 323/72
186/71	Rev. 187/72	536/71	Rev. 271/72
192/71	Rev. 439/72	537/71	Rev. 270/72
193/71	Rev. 438/72	540/71	Rev. S.O. 1972, c. 66, s. 18
205/71	Revkg.	543/71	Rev. 326/72
212/71	Rev. 324/71	35/72	Rev. 96/72
213/71	Revkg.	36/72	Rev. 95/72
214/71	Rev. 12/72	68/72	Rev. 473/72
219/71	Revkg.	73/72	Rev. 446/72
220/71	Revkg.	86/72	Exp.
222/71	Rev. 388/72	89/72	Rev. 289/72
235/71	Rev. 123/72	95/72	Rev. 159/72
240/71	Rev. 453/72	96/72	Rev. 158/72
241/71	Rev. 323/72	111/72	Rev. 173/72
242/71	Exp.	116/72	Rev. 568/72
243/71	Exp.	124/72	Rev. 323/72
245/71	Rev. 250/71	157/72	Rev. 323/72
247/71	Rev. 338/72	184/72	Rev. 594/72
250/71	Revkg.	192/72	Rev. 337/72
251/71	Rev. 219/72	220/72	Rev. 323/72
253/71	Rev. 73/72	244/72	Rev. 264/72
261/71	Exp.	249/72	Rev. 264/72
268/71	Rev. 465/71	250/72	Rev. 264/72
274/71	Revkg.	251/72	Rev. 264/72
278/71	Exp.	252/72	Rev. 264/72
279/71	Exp.	253/72	Rev. 264/72
290/71	Rev. 370/72	254/72	Rev. 264/72
295/71	Rev. 336/72	265/72	Rev. 594/72
301/71	Rev. 527/71	271/72	Rev. 444/72
326/71	Rev. 200/72	290/72	Rev. 594/72
334/71	Rev. 568/72	302/72	Rev. 568/72
338/71	Rev. 339/72	305/72	Rev. 413/72
341/71	Rev. 323/72	343/72	Rev. 464/72
345/71	Rev. 451/71	361/72	Rev. 544/72
346/71	Exp.	498/72	Reg. 568/72



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